

15 those definitions, I don't have an objection,
16 but we've got one, two, three -- four full pages
17 with a lot of definitions on it, and I don't --
18 I think I have -- need to -- I don't have a
19 problem with Mr. McCollough attempting to do
20 what he's attempting to do, but I don't know
21 what else -- I don't have the opportunity to
22 read everything that's on these four pages to
23 determine whether or not there's other material
24 or inappropriate material or irrelevant
25 material

0675 If Mr. McCollough could just point to
1 the definitions he wants to ask the witness
2 about, I think we could move forward very
3 quickly on this

4 JUDGE WALSTON Let me say so we
5 don't drag it out too long, I will take official
6 notice that the Newton's Telecommunications
7 Dictionary is a generally recognized and
8 acceptable source in industry, subject to, as
9 the witness stated, any statutes or regulations
10 that specifically have definitions to the
11 contrary. So I'll admit it for that purpose I
12 don't think Mr. McCollough is trying to pull any
13 tricks on us or get anything in here that's not
14 appropriate, but, if you would go through it --
15 if there's something you need to cite to --

16 MR. McCOLLOUGH No. Since you've
17 taken official notice, I can let it go and
18 address the capacity levels in brief. It was
19 merely to prove up or have the ability to define
20 them in brief, if necessary

21 JUDGE WALSTON Okay

22 MR. McCOLLOUGH So I will make
23 citations to Newton's, as necessary, in the
24 brief

0676 JUDGE WALSTON Okay. Just so I'm
1 clear, you're not specifically offering Exhibit
2 42?

3 MR. McCOLLOUGH No, sir, not if I
4 can cite to it in brief. Now that you've taken
5 official notice of it, we can include it as an
6 official notice exhibit, if that's the desire of
7 the parties

8 JUDGE WALSTON We'll just show
9 that Exhibit 42 has been withdrawn

10 Q (By Mr. McCollough) Do you have
11 Mr. Gaetjen's direct testimony up there, sir?

12 A Yes, sir

13 Q Did you find it?

14 A Yes, sir

15 Q It's his direct testimony

16 JUDGE WALSTON Did you find it,

17 Mr. Robinson?

18 A Yes, sir

19 Q (By Mr. McCollough) If you could,
20 please turn to Exhibit 4 of Mr. Gaetjen's
21 testimony. It's actually the last exhibit

23 A I see it
24 Q This appears to be a bill from
25 CenturyTel to one of its end users. On the
0677

1 first page, do you see the itemized charges
2 there for calls to Austin and Lockhart?
3 A I'm not familiar with this exhibit,
4 but, I mean, I see some itemized charges I
5 don't know -- is this a toll bill -- somebody
6 else's -- an end-user customer's toll bill?

7 Q Yes, sir

8 A I see it

9 Q Would you agree with me that in that
10 toll bill Century telephone is representing to
11 its end user that the calls to the 512-384
12 number went to Lockhart?

13 A It's under the column titled "Called
14 To "

15 Q Yes, sir. The 512-384 -- I'm sorry I
16 didn't mean to cut you off

17 A It looks like the called -- Lockhart is
18 listed as the "called to" location

19 Q 512-384 is ASAP's Lockhart NXX
20 Correct?

21 A I believe so, subject to check

22 MR. McCOLLOUGH Pass the witness

23 JUDGE WALSTON Mr. Stewart, do

24 you have any questions?

25 MR. STEWART Yes

0678 CROSS-EXAMINATION

1 BY MR. STEWART
2 Q Good afternoon, Mr. Robinson
3 A Good afternoon
4 Q In response to a question from
5 Mr. McCollough along the lines -- I wonder if
6 you recall a question along the lines of would
7 you agree that retail rating is governed by
8 tariff, and in your -- and then what outside the
9 tariff could modify the rates charged to end
10 users, and you had a couple of answers, one of
11 which had to do with an example involving a CLEC
12 that -- in San Marcos that might not include
13 Lockhart in its local calling scope. Do you
14 recall that line of questioning?

15 A Yes, yes, I do

16 Q Okay. That was just for background. I
17 wanted to ask you, could you -- can you give an
18 example where -- involving an ILEC, for example,
19 involving CenturyTel?

20 A I'm not real sure I understand. So are
21 we talking about calling between two ILECs?
22 Let's just use this example before us. Lockhart
23 and San Marcos. Southwestern Bell Lockhart, San
24 Marcos CenturyTel, is that --

0679 Q Sure. If you want to use that example,
1 and in other words, the question being what --
2 in what circumstances -- well, let me say it
3 this way. Do you have an opinion on whether --

130 already said who owned it anyway. earl later
131 did, i say -- was it an sbc
132 company?
133 it to the specific question, i think he's
134 already said who owned it anyway. earl later
135 did, i say -- was it an sbc
136 rebuttal testimony, which has been marked as
137 answer is already in evidence, so on that
138 specific question, i'll overrule the objection
139 does southwestern bell telephone offer a smaller
140 ex-2-like service in texas?
141 i do not know whether or not
142 type service in texas other than
143 exchange offerings are in texas specifically
144 mr mccloughn no further
145 guestions, your honor
146 judge maliston okay
147 judge maliston okay asap
148 we've made an attempt to reflect your honor's
149 questions on the motions to strike, and we offer
150 the exhibits
151 pector rulings on the objections and motions to
152 exhibit 44 will be admitted, subject to the
153 witness for crosses
154 strike
155 (asap exhibit no 44 received)
156 mr mccloughn tender the
157 witness for crosses
158 judge maliston ms brown
159 ms brown thank you, your honor
160 maybe we'll finish on time after all i knew
161 you would do it
162 ready for --
163 mr mccloughn do you want to go forward?
164 take a break or do you want to go forward?
165 y'all are. if you need a break, let me know
166 judge maliston i'm ready to go if
167 just remind you that you remain under oath from
168 our original found in this proceeding
169 (asap exhibit no 44 marked)

0860

170 ready for
171 mr mccloughn do you want to
172 take a break or do you want to go forward?
173 y'all are. if you need a break, let me know
174 judge maliston i'm ready to go if
175 just remind you that you remain under oath from
176 our original found in this proceeding
177 (asap exhibit no 44 marked)

0861

178 new england, sbc witness goldstein yes, southwestern
179 judge maliston so that particular
180 answer is already in evidence, so on that
181 specific question, i'll overrule the objection
182 does southwestern bell telephone offer a smaller
183 ex-2-like service in texas?
184 i do not know whether or not
185 type service in texas other than
186 exchange offerings are in texas specifically
187 mr mccloughn no further
188 guestions, your honor
189 judge maliston okay
190 mr stewart no, thank you
191 judge maliston ms brown
192 maybe we'll finish on time after all i knew
193 you would do it
194 ready for --
195 take a break or do you want to go forward?
196 y'all are. if you need a break, let me know
197 judge maliston i'm ready to go if
198 just remind you that you remain under oath from
199 our original found in this proceeding
200 (asap exhibit no 44 marked)

0862

201 ready for
202 take a break or do you want to go forward?
203 y'all are. if you need a break, let me know
204 judge maliston i'm ready to go if
205 just remind you that you remain under oath from
206 our original found in this proceeding
207 (asap exhibit no 44 marked)

0863

208 ready for
209 take a break or do you want to go forward?
210 y'all are. if you need a break, let me know
211 judge maliston i'm ready to go if
212 just remind you that you remain under oath from
213 our original found in this proceeding
214 (asap exhibit no 44 marked)

0864

215 ready for
216 take a break or do you want to go forward?
217 y'all are. if you need a break, let me know
218 judge maliston i'm ready to go if
219 just remind you that you remain under oath from
220 our original found in this proceeding
221 (asap exhibit no 44 marked)

0865

222 ready for
223 take a break or do you want to go forward?
224 y'all are. if you need a break, let me know
225 judge maliston i'm ready to go if
226 just remind you that you remain under oath from
227 our original found in this proceeding
228 (asap exhibit no 44 marked)

0866

229 ready for
230 take a break or do you want to go forward?
231 y'all are. if you need a break, let me know
232 judge maliston i'm ready to go if
233 just remind you that you remain under oath from
234 our original found in this proceeding
235 (asap exhibit no 44 marked)

0867

236 ready for
237 take a break or do you want to go forward?
238 y'all are. if you need a break, let me know
239 judge maliston i'm ready to go if
240 just remind you that you remain under oath from
241 our original found in this proceeding
242 (asap exhibit no 44 marked)

0868

243 ready for
244 take a break or do you want to go forward?
245 y'all are. if you need a break, let me know
246 judge maliston i'm ready to go if
247 just remind you that you remain under oath from
248 our original found in this proceeding
249 (asap exhibit no 44 marked)

0869

250 ready for
251 take a break or do you want to go forward?
252 y'all are. if you need a break, let me know
253 judge maliston i'm ready to go if
254 just remind you that you remain under oath from
255 our original found in this proceeding
256 (asap exhibit no 44 marked)

0870

257 ready for
258 take a break or do you want to go forward?
259 y'all are. if you need a break, let me know
260 judge maliston i'm ready to go if
261 just remind you that you remain under oath from
262 our original found in this proceeding
263 (asap exhibit no 44 marked)

0871

264 ready for
265 take a break or do you want to go forward?
266 y'all are. if you need a break, let me know
267 judge maliston i'm ready to go if
268 just remind you that you remain under oath from
269 our original found in this proceeding
270 (asap exhibit no 44 marked)

0872

271 ready for
272 take a break or do you want to go forward?
273 y'all are. if you need a break, let me know
274 judge maliston i'm ready to go if
275 just remind you that you remain under oath from
276 our original found in this proceeding
277 (asap exhibit no 44 marked)

0873

278 ready for
279 take a break or do you want to go forward?
280 y'all are. if you need a break, let me know
281 judge maliston i'm ready to go if
282 just remind you that you remain under oath from
283 our original found in this proceeding
284 (asap exhibit no 44 marked)

0874

285 ready for
286 take a break or do you want to go forward?
287 y'all are. if you need a break, let me know
288 judge maliston i'm ready to go if
289 just remind you that you remain under oath from
290 our original found in this proceeding
291 (asap exhibit no 44 marked)

0875

292 ready for
293 take a break or do you want to go forward?
294 y'all are. if you need a break, let me know
295 judge maliston i'm ready to go if
296 just remind you that you remain under oath from
297 our original found in this proceeding
298 (asap exhibit no 44 marked)

0876

299 ready for
300 take a break or do you want to go forward?
301 y'all are. if you need a break, let me know
302 judge maliston i'm ready to go if
303 just remind you that you remain under oath from
304 our original found in this proceeding
305 (asap exhibit no 44 marked)

0877

306 ready for
307 take a break or do you want to go forward?
308 y'all are. if you need a break, let me know
309 judge maliston i'm ready to go if
310 just remind you that you remain under oath from
311 our original found in this proceeding
312 (asap exhibit no 44 marked)

0878

313 ready for
314 take a break or do you want to go forward?
315 y'all are. if you need a break, let me know
316 judge maliston i'm ready to go if
317 just remind you that you remain under oath from
318 our original found in this proceeding
319 (asap exhibit no 44 marked)

0879

21 to exchange traffic with them at no less
22 favorable terms and conditions than they do with
23 the ILEC in the exchange which has competition
24 Q Is it your opinion that -- I'm trying
25 to understand if there are other examples, and
0684

1 is it your opinion that that would also apply to
2 a CMRS carrier as well or not? I can elaborate
3 if that would help

4 A The Commission's interconnection rule
5 doesn't apply to CMRS traffic It's wireline
6 traffic

7 Q In your opinion, how is an end-user
8 customer of an ILEC to know the rates that will
9 be charged unless it constantly monitors whether
10 competitors have entered the market in the area
11 that the end user believes to be a local calling
12 scope?

13 A Well, in our example, the customer
14 would have to dial 1 for it not to be a local
15 call It would be a 1-plus call So when the
16 customer dials 1-plus 512 and the remainder of
17 the number, they should recognize that that is
18 going to be a toll call

19 Q Okay I guess we're now kind of
20 getting closer to an example from this set of
21 facts I understand you to be describing the
22 situation where a call would be completed if it
23 went to a 512-384 number That would be by
24 using 1-plus -- or at least that's not the
25 current situation, but that's the situation as
0685

1 CenturyTel proposes Correct'

2 A Absent an interconnection agreement,
3 yes, that's the only solution

4 Q Okay Thanks Let's say during that
5 time period where -- I don't know if "blocked"
6 is the right word Tell me whatever the right
7 word is During that time period where San
8 Marcos -- CenturyTel San Marcos end users are
9 trying to dial a 512-384 number, they would get
10 what I believe has been referred to in this
11 proceeding as a fast busy signal Is that
12 correct?

13 A When the traffic was being blocked at
14 the Lockhart end office, yes, a fast busy
15 signal

16 Q So -- and, again, I'm just trying to
17 understand Should end users -- is it your
18 opinion that end users should understand that
19 when they get a fast busy signal for an area
20 that they believe to be in their local calling
21 scope that they should interpret that to mean
22 that the number they're trying reach is not in
23 their local calling scope?

24 A I think it's an anomaly in this case
25 that they got the fast busy signal Usually
0686

1 what a customer will get is a recorded message
2 that says either you must dial 1 to place this

3 call, or if they tried to dial 1 and it's not a
4 toll call, they will get another recorded
5 message that says it's not necessary to dial 1
6 to place this call

7 So, I mean, I think the ILEC -- well,
8 at least the customer should be aware that
9 whenever they dial 1 they're going to be
10 assessed long distance charges

11 MR STEWART Okay That's all

12 Thank you

13 JUDGE WALSTON Okay I think you
14 answered it well enough to where I don't have a
15 clarifying question So, Ms Brown, you can
16 proceed with your redirect

17 REDIRECT EXAMINATION

18 BY MS BROWN

19 Q Mr Robinson, you've been asked several
20 different times by counsel for ASAP whether ASAP
21 has customers in Kyle, Lockhart or Fentress Do
22 you recall those questions?

23 A Yes, ma'am

24 Q Do you have any personal knowledge
25 about whether or not ASAP has customers in Kyle,
0687

1 Lockhart or Fentress?

2 A I have no personal knowledge on that
3 matter

4 Q Do you have any personal knowledge
5 about whether ASAP has customers in San Marcos?

6 A I have no personal knowledge of the
7 location of any of ASAP's customers, except
8 their ISP customers

9 Q Now, when you said that you don't
10 dispute that issue in this proceeding, what do
11 you mean by that?

12 A I mean if ASAP -- ASAP was more likely
13 to know where their customers are than I am If
14 they say their customers are in Lockhart or they
15 have some customers in Lockhart, then I do not
16 dispute that

17 Q Have you made any personal inquiry to
18 determine whether or not that's true?

19 A No

20 Q You were also asked by Mr McCollough,
21 with regard to the Sprint petition pending
22 before the FCC, whether all of the issues that
23 are present in this case exist in that Sprint
24 petition Do you recall that question?

25 A I do

0688

1 Q Is there any issue raised in the Sprint
2 petition of whether or not a CMRS carrier can
3 complete wireline calls to an Internet service
4 provider? Is that issue pending in the Sprint
5 petition --

6 A No, it is not

7 Q -- or whether or not a CMRS carrier can
8 provide connections to an Internet service
9 provider using the same regulatory treatment as
10 afforded its CMRS traffic, is that question

7 is 17? MS BROWN 17
8 MR MCCOLLOUGH. Because the prior
9 one was 18
10 MS. BROWN I think I gave them to
11 Aloma backwards
12 JUDGE WALSTON Ms Brown, just so
13 I can stay straight, was this Florida document
14 16?
15 MS BROWN It's 18
16 JUDGE WALSTON It's 18
17 MS. BROWN It's 18
18 JUDGE WALSTON 18. Okay
19 MS BROWN And I guess what I
20 need to do now is to offer Florida Exhibit 18
21 MR. MCCOLLOUGH CenturyTel
22 Exhibit 18?
23 MS. BROWN. I'm sorry CenturyTel
24 Exhibit 18.
25

0850 MR. MCCOLLOUGH I have no
1 objection, subject to the right of optional
2 completeness. There was a Final Order by the
3 Commission, adopting the Staff recommendation in
4 this docket.

5 JUDGE WALSTON. CenturyTel Exhibit
6 will be admitted, subject to the optional
7 completeness offer

8 (CenturyTel Exhibit No. 18 received)

9 Q (By Ms. Brown) Have you had a chance
10 to look at CenturyTel Exhibit 17, Mr. Goldstein?

11 A Yes

12 Q Is this the part of the Robinson
13 deposition that you refer to at Page 11, Line 21
14 of your testimony?

15 A Yes.

16 Q Could you read the full answer given by
17 Mr. Robinson at Line 25, Page 157.

18 A "Assuming that ASAP can somehow force
19 Southwestern Bell to transit that traffic for
20 free, then there is no cost difference, there is
21 no trunking difference."

22 Q Can you turn to Page 19 of your
23 testimony. At Line 33 you state,
24 "ASAP's calls from CenturyTel are

0851 25 carried, along with other carriers' calls, on
1 Southwestern Bell's high-bandwidth common (not
2 dedicated) facilities to a large tandem switch
3 which is subtended by many other central offices
4 in the Austin LATA."

5 Do you see that?

6 A Yes.
7 Q Would you agree with me that the
8 facilities between San Marcos and Southwestern
9 Bell's tandem in Austin are jointly provided
10 between CenturyTel of San Marcos and
11 Southwestern Bell?

12 A It is my understanding that there is a
13 meet point in San Marcos and that the circuit
14

15 between San Marcos between the hut on Wonder
16 World Drive and the Austin tandem is a
17 Southwestern Bell facility
18 Q Is that the whole of the facility
19 between the San Marcos switch and the
20 Southwestern Bell switch?
21 A Between the Southwestern Bell switch
22 and the hut on Wonder World Drive in San Marcos,
23 that facility would belong to CenturyTel
24 Q And so the answer to my question would
25 be "Yes"? A portion of the facility between the
0852 1 San Marcos switch and the Southwestern Bell
2 switch is a CenturyTel facility?
3 A In the sense that, yes, if the facility
4 is defined as switch-to-switch, a small fraction
5 of the facility within the San Marcos area,
6 local area, does belong to CenturyTel
7 Q And is it impossible to carry ASAP's
8 calls or calls that originate to ASAP in the
9 San Marcos exchange to the Austin switch,
10 without use of that facility?
11 A That is the facility that is used to
12 carry all of the calls right now
13 MS BROWN Your Honor, that
14 concludes my cross-examination
15 JUDGE WALSTON Okay
16 Mr. Stewart?

17 MR. STEWART Thank you
18 CROSS-EXAMINATION
19 BY MR STEWART
20 Q Hello, Mr. Goldstein
21 A Good morning
22 Q Late yesterday when Ms. Brown asked
23 you -- I don't know if you recall -- Ms. Brown
24 asking you a question about whether ASAP had any
25 interoffice trunking in San Marcos, and your

0853 1 response was something along the lines of, "ASAP
2 has rights to some Southwestern Bell interoffice
3 trunking," and you elaborated further that it
4 has those rights by agreeing to waive any rights
5 to reciprocal compensation. Is that -- am I --
6 A Yes

7 Q I was wondering, that agreement -- you
8 mentioned that ASAP has rights and used the word
9 "agreement." Are you aware of any actual
10 agreement or is that simply ASAP's understanding
11 in the situation?

12 A It is my -- I'm not aware of the nature
13 of the agreement. I am under the impression
14 that this is an arrangement that exists whether
15 it is in writing or more likely on some other
16 basis. I wouldn't be the one to know.

17 Q So you're saying it could simply be
18 ASAP's understanding?

19 A It might be. From my point of view,
20 since I'm not really privy to the internal
21 workings between ASAP and Southwestern Bell, in
22 terms of cost incursion and cost compensation,

1 that reside in Qwest's central offices in
2 Pueblo, Walsenberg and Colorado Springs, and
3 then requesting T1 lines from Qwest to connect
4 those DID numbers to its point of
5 interconnection in Pueblo, Mountain ensures that
6 calls to the DID numbers in each of the relevant
7 Qwest central offices appear local and involve
8 no toll charges to callers in those areas."

9 Q Now, could you take that sentence and
10 translate that to the facts we have here? Let
11 me ask you this first: Could ASAP establish a
12 point of interconnection in Austin?

13 A Yes

14 Q Could it obtain DID numbers that reside
15 in central offices in San Marcos, Lockhart, Kyle
16 and Fentress?

17 A Yes

18 Q Could it request T1 lines from the
19 local exchange companies in San Marcos, Kyle,
20 Lockhart and Fentress to connect those DID
21 numbers to its point of interconnection in
22 Austin?

23 A Yes

24 Q In that way, would ASAP ensure that
25 calls to the DID numbers in Kyle, Lockhart,

0694 1 Fentress and San Marcos would appear as local
2 and involve no toll charges to the callers in
3 those areas?

4 A Yes, it could

5 Q Mr. Robinson, you were asked a question
6 by Mr. McCollough about whether the service that
7 ASAP provides to Internet service providers
8 requires a local exchange certificate. Do you
9 recall that?

10 A Yes, ma'am

11 Q I believe Mr. McCollough referred you
12 to your deposition where you answered in part
13 "I'm not sure if I know the answer to that right
now."

15 A Yes, ma'am

16 Q Was that your complete answer as given
17 that day in that deposition?

18 A No, it was not

19 Q Could you read your complete answer as
20 it appears in your deposition?

21 A The answer is, "I'm not sure I know the
22 answer to that right now. I think it's an issue
23 before the Commission. I know that they have
24 required -- well, you know, the real issue here
25 is how else would you obtain interconnection?"

0695 1 You can get interconnection two ways under the
2 act

3 You can get -- you can be a CLEC and
4 obtain interconnection as a CLEC or you can be a
5 CMRS provider and obtain interconnection that
6 way, or you can be an IXC and go under 201 and
7 all those other sorts of deals without those
8 connections, you cannot provide a service to an

9 ISP, and the only way you can get those
10 connections is to be one of those categories of
11 carriers."

12 Q Mr. Robinson, were you involved in the
13 Western Wireless proceeding?

14 A Yes, ma'am.

15 Q Can you describe the service Western
16 Wireless was -- that was at issue -- the Western
17 Wireless service that was at issue in that
18 proceeding?

19 A The Western Wireless service at issue
20 in the ETC case was service they called their
21 basic universal service. It was a wireless
22 service. Western Wireless' equipment was a
23 piece of equipment that looked about the size of
24 a laptop. That was a -- it had a wireless
25 antenna coming off the back of that equipment,

0696 1 and it was very similar to a bagphone that we
2 probably all remember from the '80s

3 To the back of that wireless box set,
4 you would connect a standard telephone line or
5 standard telephone through a standard telephone
6 jack. If the wireless signal was not strong
7 enough in the customer's area, they could
8 disconnect the antenna and connect a larger
9 antenna that stood on the side of the house

10 Q Did that service function as an
11 alternative to a landline local exchange
12 service?

13 A Yes

14 Q Would every call placed by the user
15 having that service utilize wireless spectrum?

16 A By the wireless -- Western Wireless end
17 user?

18 Q Yes

19 A Yes

20 Q The call would be dialed on a regular
21 telephone, go to this box, go to antenna and
22 then go out over a wireless network?

23 A Yes, ma'am

24 Q Could that end user call any dial-up
25 ISP that it might have a service agreement with?

0697 1 A Yes, it could. Well, assuming Western
2 Wireless meets the quality of service standards
3 that the Commission said they had to meet

4 Q Assuming the service works?

5 A Assuming the service works

6 MR. STEWART Your Honor, may I
7 ask a clarification? The reference to the
8 Western Wireless case, I was just -- I'm not

9 sure I'm familiar with that case. I don't know
10 if that refers to the Texas PUC case where

11 Western Wireless sought ETC/EPT approval or one
12 of the various FCC decisions or --

13 A I was referring to Docket No. 22289 and
14 22292 before the Texas Commission. I'm sorry --

15 22289 and 22295

16 MR. STEWART Thanks

state at line 7, "Expectations" -- page 6,
Line 7 -- "Expectations exist", for example
carried services such as match the exception of
general service is to the assignment of NPA-NNX?
would you agree with me that for foreign
exchange service is an exception to the more
general service to subscribers it concerns the
category that the code of assignment
clarify that the code of assignment
section, 2, 13, does not concern the assignment
of codes to subscribers it concerns the
assignment of codes to carriers.
The assignment of codes to carriers
carries is in a general -- the day it is written
physical area, but then it carries to states
that would be between the ISP customer in the
demarcation between the PSL and the modem is in
however, that the EGC view is trace the mode
the case of an IS-PSP-bound call, is an intermedia
does not actually constitute termination
Q, which in EGS service would be deferred, would a trace
center area
Q could you take a look at Mr. Robinson's
testimony -- or do you have a copy of Section
2,13 of the guidelines handed to you, I believe
it appears in Mr. Robinson's testimony, Exhibit
MR-3. And that's page 59 of Mr. Robinson's
testimony. Could you get that before you,
please?

Section 2 [3] yes, I have it
Q Now, the first sentence of Section
2,13, does it state as follows
A Now, I have it
Plaase

Section 2 [3] yes, I have it
Q Would you agree that it is the
general rule as to assymetry of CO codes
A In the sense that a local connection to
both a general rule and exception, that
type of connection to foreign exchange
it your opinion that ASPE's use of a virtual NXX
And now at Page 6 of your testimony, is
would be the general portion of the rule
Q And now at Page 6 of your testimony, is
A ASPE's use of virtual NXX service would
be in the -- would refer to their intent
customers specifically because the paying
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service
them to simply put a San Francisco rated code
Pacific Telephone, it was less expensive for
was less expensive for SBC -- at the time it was
cos because there are so many FX customers, it
phone prefix codes in the Oakland, California
For example, there are San Francisco
this -- switch-based
something that is more -- there is a name for
loaded into a switch so that they can provide
the LEC world of a foreign exchange code being
area for instance, there are many instances in
code in a switch that is out of its geographic
code in a switch that is to have a prefix
The other method is to the subscriber
location
rate center in question, back to the subscriber
0844

Do you see that?
the CO codes/blocks are assigned?
physically located in the same rate center that
provides service to a customer's premise
marketing provider allocated to a
perspective that CO codes/blocks allocated to a
one method is a use a leased line from
the serving switch would be in near the
area provided in two different ways
as well as by LECs. Even if LECs
engineering customer foreign exchange services
carrier, what is normally transported by the
exchanging service being provided by the
A it depends upon the type of foreign
keyline, or Fencells exchange, back to the Australia
customer also order a private line facility
customer would carry the traffic from the localities,
EX service would be deferred, would a trace
does not actually constitute termination
Q, which in EX service would be deferred, would a trace
customer who is not physically within the rate
quidelines when it provides service to a
center area
Q could you take a look at Mr. Robinson's
testimony -- or do you have a copy of Section
2,13 of the guidelines handed to you, I believe
it appears in Mr. Robinson's testimony, Exhibit
MR-3. And that's page 59 of Mr. Robinson's
testimony. Could you get that before you,
please?

Section 2 [3] yes, I have it
Q Now, the first sentence of Section
2,13, does it state as follows
A Now, I have it
Plaase

Section 2 [3] yes, I have it
Q Would you agree that it is the
general rule as to assymetry of CO codes
A In the sense that a local connection to
both a general rule and exception, that
type of connection to foreign exchange
it your opinion that ASPE's use of a virtual NXX
And now at Page 6 of your testimony, is
would be the general portion of the rule
Q And now at Page 6 of your testimony, is
A ASPE's use of virtual NXX service would
be in the -- would refer to their intent
customers specifically because the paying
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service
them to simply put a San Francisco rated code
Pacific Telephone, it was less expensive for
was less expensive for SBC -- at the time it was
cos because there are so many FX customers, it
phone prefix codes in the Oakland, California
For example, there are San Francisco
this -- switch-based
something that is more -- there is a name for
loaded into a switch so that they can provide
the LEC world of a foreign exchange code being
area for instance, there are many instances in
code in a switch that is out of its geographic
code in a switch that is to have a prefix
The other method is to the subscriber
location
rate center in question, back to the subscriber
0844

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7 A I'm not sure what you mean by "reside"
8 Q Well, I thought you were referring to
9 Paragraph 5 of the Mountain decision I think
10 it was Paragraph 5 Let me make sure I get
11 the -- yes, Paragraph 5

12 The sentences that you read that begin
13 right after Footnote 24, "By establishing a
14 point of interconnection in Pueblo, obtaining
15 DID numbers that reside in Qwest's central
16 office in Pueblo, Walsenberg and Colorado
17 Springs, and then requesting T1 lines from Qwest
18 to connect those DID numbers to its point of
19 interconnection in Pueblo," do you see that
20 phrase?

21 A I do
22 Q ASAP has its own directly-assigned NXXs
23 from NANPA Right?

24 A Yes
25 Q In addition, it sort of inherited the
0703 LATAwide NXX from Southwestern Bell, the 222
number?

3 A I don't know that for sure I think
4 that's what you guys have said

5 Q But those numbers do not reside in
6 Southwestern Bell's end-office switches, do
7 they?

8 A Well, again -- the word I'm having
9 trouble with is "reside" I think they're
10 rate-centered on those Bell areas -- Lockhart,
11 Fentress and Kyle -- and I think Fentress and
12 Kyle are actually Verizon areas, but I'm not
13 sure what you mean by the term "reside"

14 Q It's the FCC that used the word --

15 A Right

16 Q I don't mean to be argumentative, and
17 you were referring to it Well, if a number
18 resides in an end office, doesn't that mean that
19 a call to an end office using that number will
20 complete?

21 A Could you say that again? I'm sorry

22 Q If a number resides in an end office,
23 using the phrase as you understand it, then
24 won't a call to that number that is directed to
25 that end office complete?

0704 1 A I'm using the term "reside" as
2 rate-centered because I think that's what
3 they're referring to here The numbers are
4 rate-centered -- whether they be DID numbers or
5 your own numbers, they were rate centered in
6 Pueblo, Walsenberg and Colorado Springs in this
7 example So I don't understand your question
8 I'm sorry

9 Q Typically when a call is resident in a
10 switch, isn't that the switch that's registered
11 in the LERG for those numbers?

12 A Are we talking about an intraswitch
13 call?

14 Q No

15 A Then -- I'm sorry I don't understand
16 your question

17 Q Would you agree with me that the
18 numbers in issue in this case are resident in
19 ASAP's switch in Austin?

20 A I think they're associated with ASAP's
21 switch in Austin

22 Q We do know they're not DID numbers
23 obtained by Southwestern Bell Right?

24 A We do -- yes, they're not DID numbers
25 obtained from Southwestern Bell

0705

1 Q Similarly, ASAP has not requested T1
2 lines from Southwestern Bell, has it?

3 A I think that -- yes, I think there's a
4 lot of T1 lines in play between ASAP and
5 Southwestern Bell

6 Q ASAP has not requested T1 lines from
7 Austin to San Marcos, has it?

8 A From whom?

9 Q From Southwestern Bell

10 A I don't know

11 Q ASAP has not requested T1 lines from
12 CenturyTel, has it?

13 A I haven't been involved in the
14 negotiations I don't think so, but I'm not
15 sure

16 Q So when you were indicating to
17 Ms Brown that ASAP could get DID numbers that
18 reside in SWBT's Austin and Lockhart end offices
19 and obtain T1s, wouldn't you agree with me that
20 while that may be CenturyTel's preference on how
21 ASAP did it, it's really ASAP's choice on how it
22 designs its network?

23 A I don't know that that's CenturyTel's
24 preference I just think that under the
25 Mountain order you could certainly provision

0706

1 service that way, and, I think, achieve the
2 goals that you guys appear to want, which is
3 local calling from these areas

4 Q But that would entail, still, the
5 choice of buying T1s and paying special access
6 for them or allowing CenturyTel to impose toll,
7 wouldn't it?

8 A I don't know what the rates would be
9 charged by CenturyTel for T1s I don't know if
10 it would be a special access rate or some
11 wholesale T1 rate or -- I don't know if there
12 would be any charges if they meet you at the
13 hub There may not be any T1s provided to ASAP
14 Q So if ASAP arranged to get transport
15 from Southwestern Bell, however, then Century
16 would have the obligation to meet ASAP at the
17 SWBT hub in San Marcos, wouldn't it?

18 A I think under the 251 interconnection
19 principles they have an obligation to meet you
20 at a point within their network to exchange
21 traffic

22 Q You were referring to situations where

0831
1 STATE OFFICE OF ADMINISTRATIVE HEARINGS
2 (FOR THE PUBLIC UTILITY COMMISSION
3 OF TEXAS)
4 COMPLAINT, REQUEST FOR EXPEDITED)
5 RULING, REQUEST FOR INTERIM (SOAH DOCKET NO
6 AGAINST CENTURYTEL OF SAN) 25673
7 MARCOS, INC)
8
9 HEARING ON THE MERITS
10 WEDNESDAY, NOVEMBER 13, 2002
11 BE IT REMEMBRED THAT at 9 of a m., on
12 Wednesday, the 13th day of November 2002, the
13 above-entitled matter continued at the State
14 Office of Admittance Hearings, 300 West 15th Street,
15 Clemmons Building, before THOMAS MASTISON,
16 402, Austin, Texas, before Judge ROBERT
17 ROBBINS, before ALICE HARRIS, and the following
18 proceedings were held:
19 PROSECUTORIAL
20 VOLUME 4
21 PAGES 831 - 890
22
23
24
25
0832
1 PROCESSIONAL
2 WEDNESDAY, NOVEMBER 13, 2002
3 (9 of a.m.)
4 JUDGE MASTISON WED, 11 go on the
5 record at this time
6 because of scheduling conflicts, we need to
7 record at this time just for the record.
8 your rebuttal testimony, and I remind you that
9 you remain under oath, and I remind you that
10 you remain under oath.
11 ahead and get started
12 Mr. Goldstein, we're continuing with
13 your rebuttal testimony, and I remind you that
14 you remain under oath.
15 MR. MCCOLLOUGH Your Honor?
16 JUDGE MASTISON Yes?
17 MR. MCCOLLOUGH If I may take
18 care of one procedure first? During my
19 cross-examination of Ms Smith, there were two
20 matters that Centurytel said they would be
21 transcribing Page 380 with respect to the backhaul
22 transmission cost being higher to transmit the
23 transmission cost between San Marcos and the
24 transmission cost between Dallas to the backbone, the
25 transmission cost between Dallas to the backbone, the
0833
1 subject to retranscription by Centurytel. We've
2 not had any transcription one way or the other by
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13 MR MCCOLLOUGH Okay
14 JUDGE WALSTON. I may not have
15 announced it
16 MS BROWN The record reflects it
17 was denied.

18 MR. MCCOLLOGH We just couldn't
19 find the page, Your Honor I just wanted to
20 make sure
21 JUDGE WALSTON Okay Thank you
22 So Exhibit 1 -- or staff Exhibit No I will be
23 admitted

24 (Staff Exhibit No 1 admitted)
25 JUDGE WALSTON Mr McCollough?

0712 1 MR MCCOLLOUGH Your Honor, given
2 that I'm the party with the burden of proof, I
3 think it would be more appropriate to have
4 Ms Brown go forward

5 JUDGE WALSTON. That's fine.
6 Ms Brown, do you have any questions?
7 MS BROWN Yes, I do I have no
8 problem with the order

9 CROSS-EXAMINATION

10 BY MS BROWN
11 Q Good afternoon, Mr Kelsaw
12 A Good afternoon
13 Q Mr Kelsaw, in your testimony at Pages
14 3 and 4, you describe generally expanded local
15 calling service.
16 A Yes, I do
17 Q Would you agree with the general
18 statement that expanded local calling service
19 was intended to permit exchanges of 10,000 lines
20 or less to have local calling to adjacent
21 exchanges?

22 A Yes, in general terms, that's correct
23 Q Under the statute, do you know whether
24 extended local calling service is permitted to a
25 metropolitan exchange?

0713 1 A They're not
2 Q Would Austin be considered a
3 metropolitan exchange?
4 A Yes, it is
5 Q Now, on Page 8 of your testimony, you
6 talk about Fentress, Kyle and Lockhart
7 petitioning for expanded local calling service
8 to San Marcos. Did San Marcos -- did anyone
9 within the San Marcos exchange petition for
10 expanded local calling service to Austin?

11 A No, they didn't
12 Q Do you believe that as a result of the
13 Kyle, Fentress or Lockhart petitions that San
14 Marcos residents would believe that they could
15 obtain toll-free calling to a customer in
16 Austin?

17 A No
18 Q Now, do you know whether a Lockhart
19 Southwestern Bell end-user customer could call a
20 Grande end-user customer in Lockhart on a

21 toll-free basis -- I'm sorry -- in San Marcos on
22 a toll-free basis? Could a Southwestern Bell
23 Lockhart customer call a Grande San Marcos
24 customer on a toll-free basis? Do you know?

25 A Not specifically, but if Grande has an

0714 1 interconnection agreement with San Marcos and
2 the area or they're participating in the ELCs,
3 then they would be able to make the call
4 Q You don't know whether that --
5 A Right I don't know if Grande has an
6 interconnection agreement or somehow is
7 participating in ELCs in that area
8 Q Do you know whether Grande would have
9 the right to use Century Telephone San Marcos
10 facilities to enable its end users to place a
11 call to a Southwestern Bell Lockhart customer
12 without compensation to CenturyTel of San
13 Marcos?

14 A I'm not aware -- I don't know I don't
15 know

16 Q Now, at Page 10 of your testimony, the
17 question at Line 10 says, "Should the prefixes
18 of 512-265, 512-580 or 512-384 be included in
19 the ELCs with the San Marcos exchange," and your
20 response is that -- at Line 15, in part, that
21 ASAP does not have an interconnection agreement
22 or traffic agreement to allow these prefixes to
23 be included in the ELCs provided by Southwestern
24 Bell, Verizon or CenturyTel Do you see that?

25 A Yes, I do

0715 1 Q Would that be one of the reasons why
2 you would not believe that the ASAP number
3 should be included within local -- within the
4 ELCs area? One is because they don't have an
5 agreement? Would that be one reason?

6 A That is -- that's correct

7 Q Then beginning at Line 19, it says that
8 ASAP has neither wireless nor wireline
9 facilities in Fentress, Kyle or Lockhart to
10 ensure proper routing and transport of calls
11 from these prefixes back to its switch in
12 Austin. Would that be a second reason why that
13 should not be permitted?

14 A Yes, it would be

15 Q Then if you come down on Page 11 at
16 Lines 9 through 12, you say that -- the question
17 here is, "Should calls from CenturyTel customers
18 in San Marcos to the 512-384 paging number
19 assigned to an ISP be included in ELCs between
20 San Marcos and Lockhart," and you say, "No, not
21 at this time." It says -- and at Line 9 you
22 say, "ASAP, a commercial mobile service radio
23 provider, and not an ILEC, does not have an
24 interconnection agreement or traffic arrangement
25 to allow that prefix to be included within ELCs

0716 1 provided by SWBT and CenturyTel in its
2 respective exchanges." That's kind of the same

7 advice here about using 800 as an IXC to reach
8 rustic and remote rural locations has actually
9 been followed. I was posing a theoretical
10 discussion with a provider of virtual NXX
11 service.

12 MS. BROWN Your Honor, I would
13 move the admission of CenturyTel Exhibit 16
14 JUDGE WALSTON Any objection?

15 MR. MCCOLLOUGH No objection

16 JUDGE WALSTON CenturyTel Exhibit
17 16 will be admitted.

18 (CenturyTel Exhibit No. 16
19 admitted.)

20 Q (By Ms. Brown) Don't you say in this
21 response, Mr. Goldstein, in the first two
22 paragraphs, that there's an alternative to 800,
23 if you set yourself up as a CLEC, then you just
24 pay terminating access? Isn't that what you
25 address in the first two paragraphs?

0823

1 A No, no

2 Q Then in the third paragraph, aren't you
3 explaining that there's even yet a cheaper
4 solution than if you use a virtual NXX as a
5 CLEC?

6 A To that statement, yes Virtual NXX is
7 cheaper than 800 as an IXC.

8 Q Then you say in the last line on the
9 first page, "So if VNXX can't be done and access
10 rates are low enough, then 800 may be a way to
11 reach some suburban/rural customers at a rate
12 that isn't quite toll."

13 A Yes, and to finish the sentence,
14 "Though it's not going to work for \$20 a month
15 flat rate ISP either." Therefore, it's not a
16 function of substitute It's merely a less bad
17 alternative than purchasing the 800 through a
18 third-party IXC.

19 Q Aren't you suggesting there that VNXX
20 would be an alternative -- a cheaper alternative
21 than an 800 service?

22 A I'm stating the obvious, that VNXX is
23 far preferable to any form of 800 service for
24 the ISP market.

25 Q And can be substituted for it Right?

0824

1 MR. MCCOLLOUGH Objection, Your
2 Honor.

3 A No

4 Q (By Ms. Brown) You're saying --

5 JUDGE WALSTON Hang on Hang on
6 I think you actually cut off his answer
7 MS. BROWN I'm sorry.

8 JUDGE WALSTON He was talking
9 when you asked the next question

10 A We have an objection
11 MR. MCCOLLOUGH That was the --
12 JUDGE WALSTON I think that was
13 his objection
14 MS. BROWN I'm sorry

JUDGE WALSTON That's okay

A Restate the question then

Q (By Ms. Brown) Do you deny that VNXX
can be a substitute for an 800 service?

A That gets into a question of economics
and the meaning of "substitution" No, I don't
call VNXX a substitute for 800 at all. In fact,
the converse was what I was addressing Can 800
service be a substitute when there is no VNXX as
a means of providing access? It doesn't work
the other way if you have VNXX or am

0825

A equivalent foreign exchange type service, then
B 800 service is not an affordable substitute

Q But you say if VNXX can't be done, then
300 may be a way,

A Right, and I have to clarify this, that
I was specifically stating in the previous
paragraph --

B MS. BROWN Your Honor, there's
not a question pending

A Then the answer is no because that
takes out of context the second paragraph of my
response I was specifically saying --

JUDGE WALSTON There's no

O (By Ms. Brown) At Page 3 of your
testimony, Line 3, you say that ASAP offers
collocation to its ISP customers so they can
save on the cost of the local loop facilities
between the switching system and their modem
banks

JUDGE WALSTON Ms. Brown, I
apologize Where are you on Page 3?

MS. BROWN Page 3, Lines 3
through 5

Q (By Ms. Brown) Do you see that

0826

I statement?

A Yes

Q So here when you say the -- "between
the switching system," you mean the ASAP switch
and the ISP modem banks?

A Yes

Q When you say "save on the cost of local
loop facilities," are you saying that the ISP
with its arrangements with ASAP can get incoming
calls without ordering local loop facilities?

A Yes

Q So would you agree with me that what
the ISP obtains from ASAP is the equivalent of
what it would obtain were it to have ordered
local loop facilities?

A I'm not clear on what that means The
ISP is receiving a connection to the switch
without needing to buy local loop facilities out
of the building because it's in the building
It still receives the connection. If it were
not in the same building, then it would have to
pay for that connection in the form of a loop

19 in the ELCS, but it doesn't have anything to do
20 with the type of traffic or the type of service
21 that they're providing

22 Q Have you formed an opinion about
23 whether or not the service that ASAP provides
24 requires local certification, particularly the
25 service it provides to the Internet service

0721 provider?

1 A Well, I think the Commission hasn't
2 ruled on anything like that. So, I mean, the
3 only thing I could say on face value -- I mean,
4 I don't know. There's no rules or no Commission
5 orders that specifically address this particular
6 issue. So I think that's why I wouldn't want to
7 offer even my personal opinion without knowing
8 more facts to a specific case to say would this
9 be allowed or not.

10 MS BROWN Your Honor, that's all
11 I have

12 JUDGE WALSTON Okay

13 Mr. McCollough?

14 MS BROWN Thank you, Mr. Kelsaw.
15 CROSS-EXAMINATION

16 BY MR. McCOLLOUGH

17 Q Mr. Kelsaw, have you been handed what's
18 been marked as ASAP Exhibit 14A?

19 A Yes, I have

20 Q Does this appear to be a certified copy
21 of Southwestern Bell's request for exemption and
22 submission of affidavit of costs and loss of
23 revenue resulting from implementation of
24 project -- for expanded toll-free local calling

0722 25 in Project 13267 before the Texas Commission
1 13267?

2 A It appears to be

3 MR. McCOLLOUGH I offer 14A
4 JUDGE WALSTON I think it's

5 already been admitted.

6 MR. McCOLLOUGH: Well, only one
7 page of it, Your Honor, and there was some
8 concern as to the fact -- there was also some
9 concern about it not being certified. So we
10 just went ahead and took care of that

11 JUDGE WALSTON I was thinking of
12 21 and 22. Okay. Any objection?

13 MS BROWN Has this been -- I'm
14 sorry. What exhibit was previously marked as --
15 MR. McCOLLOUGH 14 It was two
16 pages, I believe. Exhibit 14, which I
17 previously tried to move in -- I believe
18 unsuccessfully. I don't know if it was admitted
19 or not -- was an excerpt from it, and the
20 witness couldn't authenticate it and it wasn't
21 certified so --

22 MS BROWN So this document has
23 not been previously offered into evidence?

24 MR. McCOLLOUGH I think it was

0723

1 offered, but I don't think it was admitted
2 because -- I don't think it was admitted. What
3 was previously offered, regardless of whether it
4 was admitted, was only two pages.

5 MS BROWN Is this offered for
6 the truth of the matters stated therein or --
7 once again, Your Honor, there's -- I don't have
8 an objection if it's simply offered to show what
9 Southwestern Bell presented to the Commission,
10 but otherwise, it's hearsay as to any specific
11 fact or assertion contained therein.

12 MR. McCOLLOUGH It's offered to
13 show what Southwestern Bell said.

14 JUDGE WALSTON I looked back at
15 my notes, and I see that Exhibit 14 was not
16 previously admitted -- actually, it was not
17 offered. So then Exhibit 14A will be admitted,
18 but it's admitted for the limited purpose of
19 showing the filing made by Southwestern Bell and
20 not necessarily for the truth of the matter
21 asserted therein.

22 (ASAP Exhibit No. 14A marked and
23 admitted)

24 Q (By Mr. McCollough) Could you turn to
25 the Attachment 2 to this document labeled

0724 1 Implementation? It's approximately ten pages
2 back from the front.

3 A I'm there.

4 Q Southwestern Bell represented to the
5 Commission, did it not, that calls from Lockhart
6 to San Marcos are routed through Austin, did it
7 not?

8 MS BROWN Your Honor, may I have
9 a moment?

10 (Brief pause)

11 MS BROWN Could I have the
12 question again?

13 MR. McCOLLOUGH I'm asking him to
14 confirm that Southwestern Bell told the
15 Commission that facilities -- I'm sorry -- that
16 calls from Lockhart to San Marcos are routed
17 through Austin.

18 MS BROWN Your Honor, I would
19 object to that question. That's not what the
20 document states. Furthermore, the document is
21 not admitted for the purpose of the truth of any
22 factual assertion contained therein.

23 This is obviously a contested issue in
24 this proceeding, and we have more direct
25 witnesses who have testified on that matter, and

0725 1 I guess I would say it's hearsay. Secordly,
2 that's not what the document says.

3 JUDGE WALSTON Well, first, I
4 think he at least limited his question to "Is
5 that what Southwestern Bell Telephone
6 represented," and, you know, we've limited --
7 we've admitted it only for the limited purpose
8 of what they represented, and it's not for the

23 facility
24 Q In order to receive -- it would have to
25 pay for local loop facilities in order to
0827

1 receive incoming calls Right?

2 A If it were not collocated, yes

3 Q If it weren't ordering the ASAP
4 service, then it would have to order local
5 exchange service so that it could receive
6 incoming calls, just like any other business in
7 Austin?

8 A Or it would collocate at a competitor.
9 There are competitors who offer collocation

10 Q It could do the same arrangement with a
11 CLEC and obtain incoming calls through a similar
12 collocation with a CLEC?

13 A Yes

14 Q But what it's obtaining is the fact
15 that other users on the telephone system can
16 call its number?

17 A Yes

18 Q Then would you agree that, as proposed
19 by ASAP, CenturyTel performs the function -- the
20 same function as if the ISP had ordered local
21 service in San Marcos but receives no
22 compensation under ASAP's proposal?

23 A No

24 Q Okay Does CenturyTel -- under ASAP's
25 proposal, would end users in CenturyTel
0828

1 territory be able to call the ISP behind the
2 ASAP switch --

3 A Yes

4 Q -- as a local call?

5 A Yes

6 Q Under the ASAP proposal, would
7 CenturyTel of San Marcos receive any
8 compensation for performing that function?

9 A Yes, from its own subscribers It's an
10 originating -- they would have the prerogative
11 of charging their subscribers for the
12 origination of calls

13 Q Now, do you have telephone service,
14 Mr Goldstein?

15 A Yes

16 Q In order for you to receive calls, do
17 you have to order local exchange service?

18 A I do use local exchange service to
19 receive calls I also use commercial mobile
radio service to receive calls

20 Q Do you have to pay for that service in
order to receive calls?

21 A As a subscriber, yes

22 Q So when a local exchange carrier
23 provides local exchange service, it's not just
0829

1 the originating customer who orders local
2 service Doesn't the end user that receives the
3 call also order some form of service?

4 A The end user who receives the call

5 orders some form of telecommunication service.

6 Q Is that the service that ASAP provides
7 to its ISP end user?

8 A Yes

9 Q Now, if an ISP were behind a
10 Southwestern Bell switch in Austin, Texas and
11 wanting to be able to have toll-free calls from
12 customers -- end-use customers of CenturyTel in
13 San Marcos, would it have to make some sort of
14 arrangement with CenturyTel of San Marcos in
15 order for those calls to be terminated to that
16 ISP on a toll-free basis --

17 A Not necessarily

18 Q -- or with another carrier that might
19 then provide that service to it?

20 A Yes, it would have to provide -- it
21 would have to make an arrangement with some
22 carrier that had a number local to San Marcos
23 MS BROWN Your Honor, I am at a
24 stopping point

25 JUDGE WALSTON Okay. That's
0830

1 fine I said we would recess at 6, and we're 5
2 minutes till Why don't we go off the record at
3 this time
4 (Proceedings concluded at
5 5:56 p.m.)
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25 service?
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1 A Could you repeat the question?
2 Q Sure If a CLEC associates an NXX that
3 it has from NANPA -- let's just say San Marcos
4 Let's assume ASAP, for example, were to get a
5 San Marcos NXX. Wouldn't that represent at
6 least an attempt to be able to obtain local
7 calling from the ILEC's customers that are in
8 the same rate center?

9 A I don't think that would have been
10 true, but based upon this case, that would
11 appear that's what's being tried in this
12 particular instance, but I think as a norm I
13 would have said -- before I would have said no,
14 you know, that that's not necessarily the
15 attempt

16 Q I'm sorry I didn't mean to interrupt
17 you. Why does a carrier make a particular rate
18 center selection when it's getting an NXX?

19 A I think that's where they would want
20 the number to reside in I mean, that's where
21 the calls would go to this particular area

22 Q For rating purposes Correct?

23 A Right I would think so I would
24 think so

25 Q Turn to Page 7 of your testimony You

0731 are discussing nonILEC companies, and how they
1 might be able to participate in ELCS The first
2 option is they can become certificated and then
3 obtain interconnection Correct?

4 A That's correct

5 Q Is it your position that a CMRS
6 provider can only participate in ELCS if it
7 becomes certificated?

8 A No, just -- just like I stated before,
9 I believe that the CMRS carrier could, in this
10 particular instance, participate in the ELCS if
11 it had the facilities, from just the way their
12 network is configured, to transport those calls
13 to their switch

14 So in my viewpoint, the only reason why
15 I would say that they can't participate in the
16 ELCS right now is because they don't have the
17 facilities so those calls are properly routed
18 When the calls were routed over the ELCS
19 network, it was my understanding beforehand it
20 was a fast busy or the calls couldn't be
21 completed So that's where the problem lies, in
22 the calls being completed over the ELCS as to --
23 if they don't have an agreement with the --
24 they're not a certificated company, a LEC

0732 1 If they don't have any other type of
2 agreements with any of the other carriers, I
3 mean, it's still their responsibility to have
4 those calls routed to their switch where it's
5 located I believe if ASAP had a switch located
6 in Lockhart we wouldn't be here today, because

7 the calls would be able to be completed to
8 ASAP's switch, and so they could participate in
9 ELCS

10 Q Let me make some notes here because you
11 said several things When you say "facilities
12 in the area," would having a switch in that area
13 be the requisite facilities?

14 A When I say "facilities," I mean
15 transport facilities.

16 Q We'll get to transport facilities in a
17 minute You also said in your last answer that
18 "if ASAP had a switch in Lockhart, we wouldn't
19 be here today" Do you recall saying that a
20 minute ago?

21 A If I said switch, I meant facilities in
22 general, not just a switch, just so calls would
23 be -- whatever it would take for calls to be
24 properly routed over the ELCS network, that's
25 what ASAP would need, whatever that would

0733 1 entail So I'm not breaking it down to a switch
2 or transport facilities or something particular,
3 just whatever they would need -- if CenturyTel
4 was transmitting the call from San Marcos to
5 Lockhart over its ELCS network between
6 CenturyTel and Southwestern Bell, that somehow
7 ASAP should have the means, facilities, switch,
8 transport, to be able to receive those calls so
9 it could do what it wants to do with the calls

10 Q So it's your position that ASAP should
11 have a means by which to take calls that come in
12 over the ELCS trunks, come out at Lockhart and
13 then transport them on from Lockhart to its
14 switch?

15 A That's one possibility, or if it had
16 the means right there where it didn't have to
17 transport it, it could take the calls as soon as
18 it would be routed to its switch in Lockhart
19 So it doesn't matter if it has to be transported
20 or not I guess if just -- if ASAP has the
21 means, whether it be in Lockhart, whether it be
22 in Austin, to be able to -- so the calls would
23 go through using the ELCS network

24 Q Well, in order to take the calls at
25 Lockhart off of the ELCS trunks, would

0734 1 Southwestern Bell's Lockhart end-office switch
2 have to be involved in the routing?

3 A Not necessarily I mean, I think once
4 the calls went on the ELCS networks -- the
5 trunks, I mean, there could be some intermediate
6 facility there to say, "Okay Well, this number
7 is destined for ASAP's switch," so it just
8 switches it It doesn't necessarily have to be,

9 I think, a switch It could just be some type
10 of facility there to transport the call over

11 Q The ELCS trunks which go to
12 Southwestern Bell's Lockhart switch terminate on
13 the trunk side of Southwestern Bell's Lockhart
14 switch, don't they?

11 Internet backbone in Austin is relatively
12 inexpensive?
13 A Relative compared to what would have to
14 be viewed as a question Internet service
15 providers are not common carriers The
16 bandwidth that they purchase for their backbone
17 connectivity is purchased under retail special
18 access tariffs which frequently are very
19 expensive

20 Q Well, don't you say at Page 20 of your
21 testimony, Line 16, that,
22 "The actual backbone link cost savings,
23 while non-zero, are relatively small, because an
24 access ISP's backbone bandwidth is a fraction of
25 its PRI incoming bandwidth?"

0836 1 In other words, a typical dial-up ISP
2 needs roughly 10 times as many DSL circuits for
3 its incoming PRIs as it does for its outgoing
4 backbone link?

5 A Yes These are both -- again, when
6 dealing with comparisons, you know, relative
7 compared to what? There is a savings in the
8 location of the special access circuit for
9 having one's aggregated data closer to the
10 backbone There is also a savings of local
11 loops of having the modems, just a larger number
12 of circuits, of having the modems be collocated
13 So those are two different instances of
14 efficiency in the provision of Internet service

15 Q And isn't it your testimony that the
16 cost savings associated with ASAP being
17 collocated with its ISPs, the greater cost
18 savings is for the incoming PRI links as
19 compared to the outgoing link between the ISP
20 and the Internet backbone?

21 A Comparing those two items specifically,
22 the larger savings would probably be on the
23 incoming PRIs

24 Q Now, at Page 5 of your testimony, Lines
25 6 to 7, you say,

0837 1 " if ISPs could not use a
2 centralized modem pool behind a switch such as
3 ASAP's, then the ISPs would simply not serve the
4 same local areas "

5 Is it your testimony that without use
6 of a virtual NXX type service, that no ISP would
7 serve San Marcos?

8 A No
9 Q Have you investigated how many ISPs
10 currently serve San Marcos?

11 A I don't know the specific number
12 Q Have you done any investigation in that
13 regard at all?

14 A I have not attempted to count that
15 Q Do you know whether Time Warner
16 provides Internet service in San Marcos?

17 A I do not know
18 Q Do you know whether any other CLEC

19 serving the San Marcos area provides Internet
20 service as a part of its service package?
21 A I do not know.
22 Q Do you know -- let me ask you this: Do
23 you know whether Kyle, Fentress, or Lockhart
24 have any sort of metro calling plans with the
25 City of Austin?

0838 1 A It is my impression that Lockhart has
2 an optional calling plan to Austin. I am not
3 aware of whether plans are available from Kyle
4 or Fentress

5 Q And so if a Lockhart end user had
6 available an optional calling plan to Austin,
7 could that Lockhart end user access any Internet
8 service provider in Austin?

9 A I suppose if a Lockhart user paid the
10 additional fee for the metropolitan calling
11 plan, they would be able to access an Austin
12 number

13 Q Okay So it's not your testimony here
14 specific to the actual services available in
15 Kyle, Lockhart, Fentress, or San Marcos, your
16 statements in your testimony as to the
17 availability of Internet service are general in
18 nature?

19 A That statement was a general statement
20 Q Okay Now, at Page 5, Line 11, you say
21 that CenturyTel offers a captive Internet
22 service in San Marcos By "captive," do you
23 mean that a CenturyTel affiliate offers Internet
24 service in San Marcos?

25 A Yes

0839 1 Q You don't mean to suggest that that's
2 the only Internet service in San Marcos?

3 A No

4 Q And does any -- is there any obligation
5 on the part of any end user to use only that
6 CenturyTel Internet service?

7 A At the present time, there is none.

8 Q Now, at Page 6 of your testimony, in
9 connection with the Code Assignment Guidelines,
10 would you agree with me that the assignment of
11 an NPA-NXX to a customer that's not located in
12 the same rate center to which the code is
13 assigned, that that is the general rule under
14 the Code Assignment Guidelines -- the Code
15 Assignment Guidelines, the general -- maybe I
16 can say this easier

17 Would you agree with me that under the
18 Code Assignment Guidelines, the general rule is
19 that the NPA-NXXs are to be assigned to
20 customers who are located within the same rate
21 center as the NPA-NXX?

22 A I do not believe that the Code
23 Assignment Guidelines directly address the
24 assignment of an NPA-NXX code to a subscriber.

25 Q All right Would you agree -- you

0840

desires to be able to participate in ELCs
6 A I don't think that's what my testimony
7 is saying
8 Q Well, you've indicated that AEP should
9 get some facilitators in Rockhardt
10 Cally, because AEP is choosing to -- the way
11 they've designated it, the way they've gotten the
12 NXX code, they chose network was -- nobody was
13 forcing them to conform to a certain way to
14 enter the ELCs. They've chosen, "This is my
15 network plan."
16 The ELCs have what they've already
17 established as an ELCs -- this is their network
18 plan I think my testimony is not saying that
19 AEP is now commanding to what the ELCs are
20 doing. I just think it's AEP's responsibility,
21 if they want to participate. Just like any other
22 carriage, that they will be responsible to make
23 sure the ELCs will be responsible to make
24 sure the ELCs has no problem to do and effective to
25 make them do end effective to

16

code started here and I have no facilitated in
17 0742 how can you say that -- I think if you would ask
18 the customer, if I wanted to do end effective
19 end-of-life ELCs have to do and effective to
20 end-of-life ELCs know that end effective to
21 Q We already know that end effective to
22 end-of-life ELCs have to do and effective to
23 it, don't we?
24 A Right I mean, there's nothing that
25 starts how a carrier has to do it. There's no
16 rules
17 Q You testified that AEP has the
18 obligation to make sure that calls are routed
19 properly. Do you recall saying that?
20 A Yes
21 Q Calls between customers end users
22 and AEP's Rockhardt number are presently being
23 routed, aren't they?
24 A You mean over the toll network or being
25 routed somehow?
16 0743 you, re going to -- if you say a call is toll
17 I mean, and I don't know if it is -- what else could it be?
18 you mean -- I guess it's you could do what else
19 that they wanted was to be able to call San
20 Marcos without paying long distance rates
21 that what they wanted was to be able to be
22 able to receive calls from San Marcos without
23 San Marcos paying long distance rates
24 A I think if you look at rates, yes, but
25 they probably -- maybe they wanted to call that
0744 doctor maybe it's hospital, or some reason,
1 I don't know.
2 It's just a recall aspect of it
3 right, but I still don't know if that's -- if
4 they just didn't want to pay toll.
5 I don't know.
6 I just a recall aspect of the
7 exchange calling them from the petitioned
8 A Say that again, who --
9 Q They just didn't want to pay toll.
10 Q The people calling from the petitioned
11 exchange to pay toll isn't that true?
12 I don't know.
13 Q Let's assume that I want to route my ISP to
14 Rockhardt served by Rockhardt Bell 15
15 A Okay
16 Q Let's assume I dial the trace ISPs
17 Southwestern Bell Loosely number let's assume
18 that, for whatever reason, continues to be called
19 today, I don't want to route over the ELCs
20 exchanges anymore, I'm going to route calls

17

17 bandwidth all the way back to San Francisco
18 This is done by SBC, this is done by GTE Other
19 carriers do this as well So foreign exchange
20 can be provided in either form

21 Q Does the customer pay for the transport
22 from the foreign exchange back to its location?

23 A In general, yes

24 Q Okay

25 A Or from -- but to be specific, the

0845 1 foreign exchange, they pay -- in general, it's
2 paid not on a rate center mileage basis but on a
3 wire center basis so that, for instance, if a
4 subscriber were to order a Fentress number from
5 Verizon, it would most likely be measured from
6 the Martindale switch because that would be the
7 serving switch, not the Fentress remote

8 Q But there would be some charge
9 associated with the transport of that number
10 from the exchange where it resides back to the
11 customer's premise in Austin?

12 A If it is not a case where there is a
13 foreign code installed in the CO, yes
14 Q And, now, would it also be the case
15 that under either the CenturyTel San Marcos
16 tariff or the Southwestern Bell tariff or the
17 GTE -- the Verizon Texas tariff, that a customer
18 ordering FX service would also pay for local
19 exchange service in the exchange where the
20 number is obtained -- in this instances, Kyle,
21 Fentress, or Lockhart?

22 A Yes

23 Q On Page 6 of your testimony,
24 Mr Goldstein, at Line 29, you reference FCC
25 regulations Can you provide me the cite to the

0846 1 FCC regulations that you refer to at that
2 location in your testimony?

3 A I don't recall the specific number of
4 the regulation, but the single point of
5 interconnection -- I am referring to the single
6 point of interconnection that is allowed by a
7 CMRS provider within a LATA

8 Q But you cannot refer me to the
9 regulation that you cite for that proposition?

10 A I do not off the top of my head know
11 the number of that I would defer that to
12 learned counsel

13 Q Now, at Page 6 of your testimony,
14 Line 2, you refer to the Florida Public Service
15 Commission And you say at Line 2, "The Florida
16 Commission refused this request Do you
17 see that reference?

18 A Yes

19 Q Would you agree with me that the
20 decision that you refer to is actually not a
21 decision of the Florida Commission but is a
22 Staff recommendation?

23 A I don't have the actual Florida
24 statement with me to know offhand what the

25 status of it was It was a case where they had
0847 1 been asked for a declaratory ruling, and it was
2 not granted

3 Q I'll hand you a document that's been
4 marked as CenturyTel Exhibit 18 Can you
5 compare the cite on that document to the cite
6 that you provide in your footnote on that page?
7 Have you been able to make that
8 comparison?

9 A I'm still working on it

10 Q Well, let's compare, if you would,
11 please Do you see on Exhibit 18 down at the
12 bottom, the notation <http://www.psc.state.fl.us/agendas/02080604.html>?

13 A Yes The URLs are the same. The
14 case --

15 Q Is that the same as your Footnote No 1
16 on Page 8?

17 A Yes, it is

18 Q And do you see at the middle of the
19 first page of CT Exhibit 18, that this is a
20 memorandum to the Director, Division of the
21 Commission Clerk and Administrative Services,
22 from the Office of General Counsel re a certain
23 petition of BellSouth pending in front of the
24 Florida Commission?

0848

1 A Yes
2 Q And does this appear to you to be a
3 Staff recommendation to the Florida Commission
4 rather than an order of that Commission?

5 A Yes

6 Q Would you agree with me that in a
7 subsequent petition filed by BellSouth before
8 the Florida Commission, that the Florida
9 Commission determined that it would take
10 jurisdiction of the question of the use of
11 virtual NXXs in Florida but would abate that
12 decision pending action by the FCC on the Sprint
13 petition?

14 A I have not read the subsequent decision
15 that you are referring to Or if I have, I
16 don't recall it.

17 Q Could I ask you to turn to Page 11 of
18 your testimony, please. At Line 21 you state
19 that,

20 "Mr. Robinson admitted (deposition at
21 157-158) that there is no difference in cost
22 between a toll or ELCS trunk, if they have the
23 same meet point"

24 A Yes

25 Q Now, I'll hand you what's been marked
0849 1 as CenturyTel Exhibit 17 And could you look at
2 Line 25 of that exhibit, please, on the first
3 page

4 MR McCOLLOUGH This is
5 Exhibit --

6 JUDGE WALSTON Did you say this

15 memorandum of understanding on behalf of
16 CenturyTel of Port Aransas?
17 A Guy Miller or any other officer
18 Q Do you know whether the Affordable
19 Telecom has been advised of Mr Czeschin's lack
20 of authority?
21 A A letter has been processed I do not
22 know whether Mr Fitch has received it
23 MS BROWN Your Honor, that's all
24 I have
25 JUDGE WALSTON Do you have any
0882
1 questions, Mr McCellough?
2 MR MCCOLLOUGH I do
3 CROSS-EXAMINATION
4 BY MR MCCOLLOUGH
5 Q Do you know if Mr Czeschin made any
6 representations orally or in writing to
7 Mr Fitch as to whether he was authorized to
8 negotiate and execute this document on behalf of
9 CenturyTel?
10 A I don't know
11 Q Did you review the correspondence
12 between Mr Czeschin and Mr Fitch to make that
13 determination before you formed the conclusion
14 that he was not authorized to execute it on
15 behalf of CenturyTel?
16 A I did not form that conclusion that he
17 was not authorized I was informed and
18 Mr Czeschin was informed that he is neither an
19 authorized representative of this corporation
20 nor is he an officer of this corporation,
21 therefore, he is not eligible to sign any
22 agreement on their behalf
23 Q Do you know whether any effort was made
24 to determine whether Mr Czeschin represented to
25 Mr Fitch that he was authorized to negotiate or
0883
1 execute this agreement?
2 A Those are two separate items
3 Negotiating is one issue, execution is another
4 Q Okay Let's break them down
5 A The only thing that I checked on was
6 his ability to execute an agreement
7 Q Do you know whether he represented to
8 Mr Fitch that he was authorized to execute the
9 agreement?
10 A I do not know
11 Q You testified that Mr Czeschin is not
12 authorized to execute documents on CenturyTel's
13 behalf?
14 A Yes
15 Q Is that your testimony?
16 A That is correct
17 Q Do you have ASAP Exhibit 5 up there?
18 MR MCCOLLOUGH Can I just
19 approach the witness, Your Honor?
20 JUDGE WALSTON Yes
21 A I don't believe 5 is here It appears
22 to start with 9

23 Q (By Mr McCellough) Understood I'll
24 give you my copy I'll represent to you that
25 what I'm handing you -- although it's not marked;
0884
1 this is our copy -- of ASAP Exhibit 5 from the
2 interim hearing in this matter, and I would like
3 you to take a look at it
4 A Yes, I've looked at it
5 Q Okay Does that appear to be the area-
6 wide calling plan between ASAP Paging and
7 CenturyTel that was discussed during the interim
8 hearing?
9 A Yes, it does
10 Q Who was it that executed that document
11 on behalf of CenturyTel?
12 A It appears to be Chris Czeschin
13 MR MCCOLLOUGH No further
14 questions
15 JUDGE WALSTON Mr Stewart?
16 MR STEWART No questions. Thank
17 you
18 JUDGE WALSTON Do you have any
19 redirect?
20 MS. BROWN: Yes
21 REDIRECT EXAMINATION
22 BY MS BROWN
23 Q Ms Smith, has Mr Czeschin's position
24 changed since 1995, to this year?
25 A Yes, it has
0885
1 Q In what way?
2 A In 1995, he was a Carrier Relations
3 manager At that point he may have had
4 authorization to sign certain items I do not
5 know At the present time, he is an analyst
6 Q Is that, in effect, a change --
7 demotion?
8 A Yes, it is.
9 JUDGE WALSTON Is that all you
10 have?
11 MS. BROWN Yes, sir
12 JUDGE WALSTON Okay
13 CLARIFYING EXAMINATION
14 BY JUDGE WALSTON
15 Q Let me ask a clarifying question Have
16 you talked to Mr Czeschin about Exhibit 19?
17 A Yes, I have.
18 Q Okay. From your conversation with him,
19 is it your understanding that when he executed
20 this document, he believed he had the authority
21 to execute it, or do you know?
22 A I don't know He hasn't said one way
23 or the other
24 JUDGE WALSTON Okay That's
25 fine That's all I have
0886
1 Do you have any follow-up?
2 MS BROWN No, Your Honor
3 MR MCCOLLOUGH No questions
4 JUDGE WALSTON Okay Thank you,

23 the question was, you know, are they getting a
24 free ride?
25 And the answer is no, it's not a free
0854
1 ride It's -- they're both handing off
2 potential revenue in exchange for a simplified --
3 in effect, for simplified accounting We're not
4 going to worry about how much traffic there is.
5 We're not going to worry about whether anything
6 is reciprocal compensation, we'll just do this
7 So that really is how it looks to me
8 But the nature of the agreement, I really
9 couldn't be the -- I don't claim expertise on
10 how that was done

11 Q And the answer may be obvious, but I'll
12 ask anyway So would you be aware of any
13 concrete indications by Southwestern Bell that
14 would evidence an agreement?

15 A In terms of concrete something, not
16 that I'm aware of

17 MR STEWART Okay That's all

18 Thank you

19 JUDGE WALSTON Okay

20 Mr McCollough?

21 MR MCCOLLOUGH You have no
22 clarifying, Your Honor?

0855 REDIRECT EXAMINATION

1 BY MR MCCOLLOUGH
2 Q Mr Goldstein, you had some discussion
3 with Ms Brown about the means by which foreign
4 exchange or foreign exchange-like service is
5 provided Do you recall that discussion?

6 A Yes

7 Q I believe you indicated that sometimes
8 foreign exchange service is provided using a
9 dedicated line and sometimes it is not

10 A Correct

11 Q Is that what you said?

12 A Yes

13 Q To your knowledge, do any incumbent
14 LECs provide a foreign exchange-like service
15 perhaps to ISPs that does not involve use of an
16 express charging for a dedicated line between
17 the open end and the closed end?

18 A Yes, there are examples of incumbents
19 performing that type of service Probably the
20 largest one in the ISP community, the best known
21 example, would be that of the Southern New
22 England Telephone Company, the SBC subsidiary in
23 Connecticut Southern New England Telephone has
24 a switch in New London which has 12 prefix codes
25 that are not New London codes, in addition to
0856

1 its new London code
2 These 12 codes, constitute what I refer
3 to as a full house They provide local coverage

4 of the entire State of Connecticut And the
5 ISPs doing business in Connecticut subscribe to
6 this service, use these 12 prefix codes to
7 receive all of their calls handed off in New
8 London from a single switch, and this is
9 apparently quite popular in Connecticut
10 There are other examples I don't have
11 the same amount of detail Verizon particularly
12 has a service called Super POP in which it
13 provides the actual modems as well as central
14 office It's more akin to the type of service
15 Level 3 provides where they own the modem.
16 Now, with -- this is a GTE -- I want to
17 point out, this is the GTE side of Verizon,
18 Verizon West And the Verizon Super POP service
19 which they've marketed for several years -- I
20 don't know how many Certainly it was there
21 before I was at GTE in 1997 -- the Verizon Super
22 POP service aggregates numbers across a
23 metropolitan area or region into a modem pool.
24 And I have read recently that Verizon has agreed
0857

1 to purchase a number of Telica central office
2 switches for the purpose of so-called ISP off-
3 load
4 So rather than put these Super POPs on
5 their same central office switches that are
6 carrying voice traffic, they are purchasing
7 dedicated low cost per port, high capacity
8 switches for ISP off-load, which would be this
9 type of foreign exchange in -- this type of soft
10 foreign exchange service

11 Q Do either of those examples involve use
12 of a dedicated access line?

13 A Neither of those uses a dedicated
14 access link to the named rate center

15 Q Who owns Southern New England
16 Telephone?

17 A SBC

18 MS BROWN: Your Honor, I believe
19 here we're beyond the scope of any cross-
20 examination

21 MR McCOLLOUGH. I disagree, Your
22 Honor Counsel's cross-examination laid the
23 direct implication that ILECs only use dedicated
24 lines when they offer FX and FX-like service
25 And I think it is fair on redirect, since the
0858

1 witness was not able to do so during cross-
2 examination, to go into the subject of the means
3 by which ILECs in general and ILECs related to
4 those in Texas in specific provide a service to
5 ISPs that is very similar to what ASAP provides

6 This is completely fair because
7 CenturyTel has consistently said that the way
8 ILECs provide FX is with a dedicated line,
9 leaving the implication that that's the only
10 legitimate way to do it, and this is fair
11 redirect

12 JUDGE WALSTON I'll allow some of

9 Q CenturyTel provides basic service only
10 to the customers in its San Marcos exchange
11 Correct?

12 A I believe that's true

13 Q And you provide paging service to over
14 15 different areas in the Central Texas area
15 Right? Don't you have transmitters in over 15
16 different areas?

17 A Well, I would like for you to define
18 "area" to me

19 Q Don't you have more than 15
20 transmitters in different geographic locations?

21 A Yes, I do

22 Q Are most of your paging customers
23 located in Austin?

24 A The way that you're asking your
25 question, are you asking do we send the bills to
0873

1 Austin?

2 Q Yes

3 A I would say that a good percentage of
4 them, the billing goes to the Austin area

5 Q So most of the paging customers that
6 you have are within the Austin area, to your
7 knowledge?

8 A Not to my knowledge

9 Q But that's where you send the billing?

10 A I would say that most of the billing
11 that we send out goes to the Austin area. Now,
12 when I asked you to define "area" a few moments
13 ago, you said the transmitters in the different
14 geographical areas

15 And when I say the Austin area, my
16 definition for ASAP Paging of the Austin area is
17 where our transmitters are. We have
18 transmitters throughout the Austin area, which

19 in our opinion our Austin area includes
20 San Marcos, Lockhart, Georgetown, Bastrop,
21 Smithville. To us, this is the Austin area

22 Q And would you agree with me that
23 CenturyTel is not the largest local exchange
carrier serving what you call the Austin area?

24 A CenturyTel is not the dominant carrier
0874

1 in the Austin area. CenturyTel is the dominant
2 carrier in San Marcos

3 Q Now, at Page 9, Line 19 you make the
4 statement,

5 "My customers who carry a pager are
6 'located' in the same geographic area to which
7 the number they receive corresponds."

8 Do you see that testimony?

9 A Page 19?

10 Q Page 9, Line 19. I'm sorry;

11 A I see that line

12 Q Now, again, would you agree with me
13 that you have not correlated your customers'
14 billing location with the NPA-XXX to which
15 they're assigned, the paging number to which
16 they're assigned?

17 A Please rephrase that

18 Q Would you agree with me that you have
19 not correlated your customers' physical location
20 with the paging number to which they are
21 assigned?

22 A Cannot do that with any accurate --
degree of accuracy

23 Q Mr. Gaetjen, at Page 13, you -- at the
24 bottom of Page 13, the top of Page 14, you
0875

1 address whether or not ASAP is a common carrier
2 when it provides services to ISPs. Do you see
3 that?

4 A Yes

5 Q Did you previously file an affidavit in
6 this proceeding which stated how you provide
7 services to ISPs?

8 A I believe I did

9 (CenturyTel Exhibit No. 19 marked)
10 Q (By Ms. Brown) I'll ask you to take a
11 look at CenturyTel Exhibit 19. Is that the
12 affidavit that you previously provided in this
13 proceeding?

14 A Yes, it is.

15 Q Were those statements true and correct
16 at the time that you made them?

17 A I believe they were

18 MS. BROWN: Your Honor, I would
19 offer CenturyTel Exhibit 19

20 MR. McCOLLOUGH: No objection

21 MR. STEWART: None

22 JUDGE WALSTON: CenturyTel Exhibit

23 19 is admitted

24 (CenturyTel Exhibit No. 19 received)

25 Q (By Ms. Brown) Mr. Gaetjen, have you
C876

1 filed with the PUC or the FCC any statement of
2 the rates, terms, or conditions for the services
3 that you provide to Internet service providers?

4 A I was not aware that I had to

5 Q Well, is the answer to that "No"?

6 A The answer is "No"

7 MS. BROWN: Your Honor, that's all
8 I have

9 JUDGE WALSTON: Okay. Mr. Stewart?
10 CROSS-EXAMINATION

11 BY MR. STEWART:

12 Q Good morning, Mr. Gaetjen.

13 A How are you?

14 Q Thanks

15 I wanted to ask you about -- a similar
16 question to what I asked Mr. Goldstein earlier
17 today. In your rebuttal testimony, you make
18 reference to what interoffice trunking or

19 facilities or whatever that ASAP has

20 And Mr. Goldstein mentioned his
21 understanding that ASAP has -- something along
22 the lines of ASAP has rights to certain SWBT
23 interoffice trunks going up to the hut on Wonder
24 World Drive that's been mentioned. Am I

3 other local carrier in San Marcos?
4 A I would assume that there is. But
5 without firsthand knowledge, I'm not going to
6 say that there is.
7 Q Okay. And isn't San Marcos Internet
8 still using the ASAP numbers that you provided
9 to them before the beginning of this proceeding?
10 A They are still using some of the
11 numbers, yes.
12 Q Particularly the (512) 384-2000 number?
13 A They're using all the numbers that we
14 made arrangements to provide with them, not just
15 that number that you mentioned.
16 Q That number? Okay.
17 Now, ASAP's position in this proceeding
18 is that as a result of its designation of
19 certain numbers as being Lockhart, Kyle, or
20 Fentress numbers, that -- in fact, that
21 Lockhart, Kyle, and Fentress exchanges are
22 listed as ELCs exchanges in the San Marcos
23 tariff, that CenturyTel should deliver calls
24 originating from San Marcos customers to ASAP's
25 Kyle, Lockhart, and Fentress numbers without any
0864 compensation by ASAP. Is that correct?
1 A Compensation to who?
2 Q CenturyTel of San Marcos.
3 A When CenturyTel delivers the numbers to
4 ASAP Paging, they're doing it through our
5 default POI at the hub in San Marcos. And in my
6 opinion, they're basically honoring the ELC
7 mandatory calling requirements from the state
8 PUC and are being compensated by the people who
9 originate the call.
10 Q But it's your position that ASAP should
11 not have to pay any compensation to San Marcos
12 for the delivery of that traffic by you. Is
13 that correct?
14 A That's correct.
15 Q Assume there is another local exchange
16 carrier in San Marcos, providing local exchange
17 service in San Marcos.
18 A Okay.
19 Q If that local exchange carrier, rather
20 than being located in San Marcos, had its switch
21 in Austin and simply assigned NPA-NXXs to San
22 Marcos end users by designating those NPA-NXXs
23 as San Marcos NPA-NXXs in the LERG, should
24 CenturyTel of San Marcos be obligated to deliver
0865 the traffic originating in San Marcos to that
1 other local carrier at its switch in Austin,
2 without any compensation?
3 A That's an interesting question.
4 Q Do you have an opinion on that?
5 A Yes, I do. We at one time had applied
6 for a San Marcos NXX and, in fact, had it
7 assigned to us. And we turned it back in to the
8 coordinator because of the cost involved in
9 getting the calls from San Marcos to our switch.

11 in Austin. We just deemed that it was not an
12 affordable alternative.
13 So in your example of another carrier
14 having a switch in Austin with San Marcos
15 numbers, I would assume that they would have to
16 take delivery of them in San Marcos from
17 CenturyTel, much the same way that CenturyTel
18 indicated to me that had I went ahead with my
19 San Marcos NXX that I would have to do and I
20 would have to provide transport of those numbers
21 or calls back to my switch in Austin.
22 Q Now, what if that local exchange
23 carrier, rather than applying for San Marcos
24 NPA-NXXs, has simply applied for Lockhart
25 NPA-NXXs, would CenturyTel be obligated to
0866 transmit calls originating in San Marcos to that
1 CLEC with its switch in Austin, without
2 compensation?
3 A I'm not familiar enough with the CLEC
4 rules and regulations to say "Yes" or "No".
5 Q On Page 2 of your testimony, Line 11 to
6 13, you say,
7 "The great majority of the customers to
8 whom we assign the NXXs in issue are physically
9 located in San Marcos, Kyle, Lockhart and/or
10 Fentress at least some of the time."
11 When you use the word "customer" in
12 Line 11, are you referring to your paging
13 customers?
14 A Well, I believe the statement was,
15 "The great majority of the customers to
16 whom we assign the NXXs in issue are physically
17 located."
18 In that instance, more of the numbers
19 that we assign go to paging customers than go to
20 ISP customers.
21 Q Well, would you agree with me that your
22 ISP customers receive their service from you at
23 your switch in Austin?
24 A They receive the service from me,
0867 that's correct.
1 Q At your switch in Austin?
2 A That's correct.
3 Q Okay. Mr. Gaetjen, in response to
4 discovery, have you stated that -- I'm sorry. I
5 just lost my reference -- that "ASAP has no
6 objective means to know the physical location of
7 the persons who carry a pager at any given
8 time"?

9 A That's correct.
10 Q Have you also stated that, "ASAP does
11 not have a mechanical means to correlate billing
12 information with the telephone number that your
13 customer uses"?

14 A Ask that question again, please.
15 Q Have you also stated in discovery
16 responses that, "ASAP does not have a mechanical
17 means to correlate billing information with the
18

9 Q Centurycell provides basic service only
10 to the customers in its San Marcos exchange
11 correct?
12 A I believe that's true
13 Q And you provide padding service to over
14 different areas in the central Texas area
15 Right? Don't you have padding services in over 15
16 different areas?
17 A Well, I would like for you to define
18 "area" to me
19 Q Don't you have more than 15
20 addresses whether or not ASAP is a common carrier
21 when it provides services to ISPs. Do you see
22 that?
23 A Yes
24 Q Did you previously file an affidavit in
25 this proceeding that you provided how you provide
them, the billing goes to the Austin area
4 Q So most of the padding customers that
you have are within the Austin area, to your
knowledge?
5 Q But that's where most of the billing
that we send out goes to the Austin area now,
10 A I would say you send the billing
that we send out to the Austin area
11 Q And I asked you to define "area" a few moments
ago, you said you to define "area" in the different
12 when I asked you to define "area" a few moments
13 that we send out goes to the Austin area now,
14 And when I say the Austin area, my
15 telephone for ASAP padding of the Austin area is
16 definitely for the Austin area, my
17 Q Where our transmission lines are
18 transmission throughout the Austin area which
19 in our operation out Austin area includes
20 San Marcos, Lockhart, Georgetown, Belton,
21 Smithville, To us, this is the Austin area
22 And would you agree with me that
23 Centurycell is not the largest exchange
24 carrier serving our call the Austin carrier,
25 A The answer is "No".

8 Q Note to my knowledge
9 A Not to my knowledge
10 Q But that's where most of the billing
11 that we send out goes to the Austin area
12 when I asked you to define "area" a few moments
13 that we send out goes to the Austin area now,
14 And when I say the Austin area, my
15 telephone for ASAP padding of the Austin area is
16 definitely for the Austin area, my
17 Q Where our transmission lines are
18 transmission throughout the Austin area which
19 in our operation out Austin area includes
20 San Marcos, Lockhart, Georgetown, Belton,
21 Smithville, To us, this is the Austin area
22 And would you agree with me that
23 Centurycell is not the largest exchange
24 carrier serving our call the Austin carrier,
25 A The answer is "No".

16 they're assigned?
17 Q Now, again, would you agree with me
18 that you have not correlated your number to match
19 billing location with the NPA-NXX to which
20 the lines of ASAP has rights to certain SWB
21 understanding that ASAP has -- something along
22 And Mr. Goldstein has
23 therefore take trunking up to the hut on Womber
24 World Drive that's been mentioned Am I
25 right? Don't you have padding number to define
they're assigned?

12 Q I see that line
13 Q Now, again, would you agree with me
14 that you have not correlated your customers,
15 billing location with the NPA-NXX to which
16 they're assigned, the padding number to match
17 the number they receive calls to
18 the same geographic area to which
19 the number they receive calls
20 the number they receive calls to
21 the number they receive calls to
22 the number they receive calls to
23 the number they receive calls to
24 the number they receive calls to
25 the number they receive calls to

1 Q Now, at Page 9, line 19 you make the
2 carrier in San Marcos
3 Q Now, at Page 9, line 19 you make the
4 statement
5 My customers who carry a pager are
6 located, in the same geographic area to which
7 the number they receive calls
8 do you see that testimony?
9 A Page 9, line 19, I'm sorry
10 Q Page 9, line 19, I'm sorry
11 Q Now, again, would you agree with me
12 Q I see that line
13 Q Now, again, would you agree with me
14 Q Page 9, line 19, I'm sorry
15 Q Now, again, would you agree with me
16 Q Page 9, line 19, I'm sorry
17 Q Now, again, would you agree with me
18 Q Now, again, would you agree with me
19 Q Now, again, would you agree with me
20 Q Now, again, would you agree with me
21 Q Now, again, would you agree with me
22 Q Now, again, would you agree with me
23 Q Now, again, would you agree with me
24 Q Now, again, would you agree with me
25 Q Now, again, would you agree with me

in what circumstances an end user should know to look outside the tariff to determine what for marketing a call?

6

0680

they may refer to some information that they may refer to the beginning of their telephone book.

19 0682
I but I want to go ahead and hear what he has to say
20
3 JUDGE MASTON To be honest with me
4 MR STEWART I agree I don't
5 want to hear a lot of exploration of CLCC local
6 calling scopes either, but I think he's getting
7 to a point that I'll find useful
8 A So when you introduce competition into
9 a given exchange, that could impact in ILCE that
10 the new entrant in that exchange be aware the new CLC
11 exchange may not want the original exchange in
12 its local calling scope, if you want me to draw
13 a diagram, that might help illustrate this
14 customers just wanting to know your options on how a
15 because they're relevant to this case, but I was
16 also just wanting to know your options on how a
17 customer -- I mean, my understanding good examples
18 of cases where customers have to pay extra
19 to undertake to understand your competition -- I'm trying
20 to understand you're competing with us
21 and I'm just trying to understand -- I'm trying
22 to understand you're competing with us
23 to understand you're competing with us
24 you saying that -- I won't use "a customer
25 should know that" because you've said that that's
0683
customers don't find tariffs user-friendly, but
1 nonetheless bound by the tariff
2 you did agree -- correct -- that they are
3 customers don't find tariffs user-friendly, but
4 A yes, sir
5 O Do I understand you to say that an
6 ILCC's tariff can be modified by the terms and
7 conditions of a CLCC tariff
8 A It can be modified by the introduction
9 of a new competitor, the Commission's
10 interconnection rate, 26.27, affords a new
11 competitor the same local calling scope if it
12 chooses a bigger local calling scope for its
13 customers, it may choose a smaller local calling
14 have the same area it may choose not to
15 choose a bigger local calling scope if it
16 has the same area it may choose to make
17 scope for its customers, CLCC's are free to make
18 now, if they want have the same local calling
19 scope so an ILCC may have local calling
20 calling to another ILCC's service territory

12

21 calling scope so an ILCC may have local calling
22 market, CLCC's are free to determine where own local
23 we introduced competition in the local exchange
24 good document -- good source of information
25 in a given area, I think there tariff ILCC's customers
0681

5

6 A For calling between an ILCC's customers
7 in the tariff, and I was just trying to
8 understand what an example of that might be for
9 some thing outside the tariff can override what's
10 of a new competitor, the Commission's
11 interconnection rate, 26.27, affords a new
12 competitor the same local calling scope if it
13 chooses a bigger local calling scope if it
14 have the same area it may choose not to
15 choose a bigger local calling scope for its
16 customers, it may choose a smaller local calling
17 scope for its customers, CLCC's are free to make
18 now, if they want have the same local calling
19 scope so an ILCC may have local calling
20 calling to another ILCC's service territory

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12 competitor the same local calling scope if it
13 chooses a bigger local calling scope if it
14 have the same area it may choose not to
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16 customers, it may choose a smaller local calling
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18 now, if they want have the same local calling
19 scope so an ILCC may have local calling
20 calling to another ILCC's service territory

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13 understand what an example of that might be for
14 some thing outside the tariff can override what's
15 of a new competitor, the Commission's
16 interconnection rate, 26.27, affords a new
17 competitor the same local calling scope if it
18 chooses a bigger local calling scope if it
19 have the same area it may choose not to
20 choose a bigger local calling scope for its
21 have the same area it may choose to make
22 scope for its customers, CLCC's are free to make
23 now, if they want have the same local calling
24 scope so an ILCC may have local calling
25 calling to another ILCC's service territory

9

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11 in the tariff, and I was just trying to
12 understand what an example of that might be for
13 some thing outside the tariff can override what's
14 of a new competitor, the Commission's
15 interconnection rate, 26.27, affords a new
16 competitor the same local calling scope if it
17 chooses a bigger local calling scope if it
18 have the same area it may choose not to
19 choose a bigger local calling scope for its
20 have the same area it may choose to make
21 scope for its customers, CLCC's are free to make
22 now, if they want have the same local calling
23 scope so an ILCC may have local calling
24 calling to another ILCC's service territory

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10 in the tariff, and I was just trying to
11 understand what an example of that might be for
12 some thing outside the tariff can override what's
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15 competitor the same local calling scope if it
16 chooses a bigger local calling scope if it
17 have the same area it may choose not to
18 choose a bigger local calling scope for its
19 have the same area it may choose to make
20 scope for its customers, CLCC's are free to make
21 now, if they want have the same local calling
22 scope so an ILCC may have local calling
23 calling to another ILCC's service territory

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8 A For calling between an ILCC's customers
9 in the tariff, and I was just trying to
10 understand what an example of that might be for
11 some thing outside the tariff can override what's
12 of a new competitor, the Commission's
13 interconnection rate, 26.27, affords a new
14 competitor the same local calling scope if it
15 chooses a bigger local calling scope if it
16 have the same area it may choose not to
17 choose a bigger local calling scope for its
18 have the same area it may choose to make
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20 now, if they want have the same local calling
21 scope so an ILCC may have local calling
22 calling to another ILCC's service territory

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8 in the tariff, and I was just trying to
9 understand what an example of that might be for
10 some thing outside the tariff can override what's
11 of a new competitor, the Commission's
12 interconnection rate, 26.27, affords a new
13 competitor the same local calling scope if it
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15 have the same area it may choose not to
16 choose a bigger local calling scope for its
17 have the same area it may choose to make
18 scope for its customers, CLCC's are free to make
19 now, if they want have the same local calling
20 scope so an ILCC may have local calling
21 calling to another ILCC's service territory

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6 A For calling between an ILCC's customers
7 in the tariff, and I was just trying to
8 understand what an example of that might be for
9 some thing outside the tariff can override what's
10 of a new competitor, the Commission's
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12 competitor the same local calling scope if it
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17 scope for its customers, CLCC's are free to make
18 now, if they want have the same local calling
19 scope so an ILCC may have local calling
20 calling to another ILCC's service territory

4

5 A For calling between an ILCC's customers
6 in the tariff, and I was just trying to
7 understand what an example of that might be for
8 some thing outside the tariff can override what's
9 of a new competitor, the Commission's
10 interconnection rate, 26.27, affords a new
11 competitor the same local calling scope if it
12 chooses a bigger local calling scope if it
13 have the same area it may choose not to
14 choose a bigger local calling scope for its
15 have the same area it may choose to make
16 scope for its customers, CLCC's are free to make
17 now, if they want have the same local calling
18 scope so an ILCC may have local calling
19 calling to another ILCC's service territory

3

4 A For calling between an ILCC's customers
5 in the tariff, and I was just trying to
6 understand what an example of that might be for
7 some thing outside the tariff can override what's
8 of a new competitor, the Commission's
9 interconnection rate, 26.27, affords a new
10 competitor the same local calling scope if it
11 chooses a bigger local calling scope if it
12 have the same area it may choose not to
13 choose a bigger local calling scope for its
14 have the same area it may choose to make
15 scope for its customers, CLCC's are free to make
16 now, if they want have the same local calling
17 scope so an ILCC may have local calling
18 calling to another ILCC's service territory

2

3 A For calling between an ILCC's customers
4 in the tariff, and I was just trying to
5 understand what an example of that might be for
6 some thing outside the tariff can override what's
7 of a new competitor, the Commission's
8 interconnection rate, 26.27, affords a new
9 competitor the same local calling scope if it
10 chooses a bigger local calling scope if it
11 have the same area it may choose not to
12 choose a bigger local calling scope for its
13 have the same area it may choose to make
14 scope for its customers, CLCC's are free to make
15 now, if they want have the same local calling
16 scope so an ILCC may have local calling
17 calling to another ILCC's service territory

1

2 A For calling between an ILCC's customers
3 in the tariff, and I was just trying to
4 understand what an example of that might be for
5 some thing outside the tariff can override what's
6 of a new competitor, the Commission's
7 interconnection rate, 26.27, affords a new
8 competitor the same local calling scope if it
9 chooses a bigger local calling scope if it
10 have the same area it may choose not to
11 choose a bigger local calling scope for its
12 have the same area it may choose to make
13 scope for its customers, CLCC's are free to make
14 now, if they want have the same local calling
15 scope so an ILCC may have local calling
16 calling to another ILCC's service territory

25 recalling correctly? Is that your
0877 understanding?

1 A Yes, Sir

2 Q Are you aware of any actual agreement
3 between SWBT and ASAP in regard to those rights?

4 A My best understanding is that if
5 Southwestern Bell felt that we were obligated to
6 pay for those facilities, they would send me a
7 bill. To date, they have not

8 Q So there's not any -- you don't have
9 anything in writing, in other words?

10 A I wasn't aware that peers of ILECs
11 needed to have an agreement to do that. And,
12 evidently, Southwestern Bell shares my

13 understanding.

14 MR. STEWART Okay That's all

15 Thank you.

16 JUDGE WALSTON Mr. McCollough?

17 MR. MCCOLLOUGH Do you have any

18 clarifying, Your Honor

19 MR. MCCOLLOUGH No I have no

20 redirect.

21 JUDGE WALSTON Okay Thank you,

22 Mr. Gaetjen MS. BROWN Your Honor, if we

23 might go off the record for a minute, I would

24 like to confer with Mr. McCollough about the

25 questions he asked previously.

JUDGE WALSTON Okay Why don't

we do that. We'll go off the record at this

time.

7 Why don't we go ahead and take a

8 20-minute break. That will give people some

9 time

10 (off the record. 10 12 a m -10 44 a m)

11 JUDGE WALSTON Okay We'll go

12 back on the record at this time. We had a

13 discussion off the record about a schedule for

14 the post-hearing matters, and the parties have

15 agreed to the following items.

16 ASAP will file its objections to

17 Mr. Novack's deposition by November 22nd

18 CenturyTel will file its replies to those

19 objections by December 6th. The parties will

20 work out and submit a briefing outline by

21 December 6th

22 The parties' initial briefs will be

23 filed December 18th, and the reply briefs will

24 be filed January 17, 2003.

25 And I believe the parties were going to

7 the information it said it would, and I would
8 like to get that marked and offered as an
9 exhibit

10 JUDGE WALSTON Okay

11 (ASAP Exhibit No 45 marked)

12 JUDGE WALSTON You're offering

13 ASAP 45 at this time?

14 MR. MCCOLLOUGH I am

15 JUDGE WALSTON Is there any

16 objection?

17 MS. BROWN No objection

18 JUDGE WALSTON Okay ASAP-45

19 will be admitted

20 (ASAP Exhibit No 45 received)

21 MR. MCCOLLOUGH With regard to

22 the other matter, ASAP Exhibit, I believe, 19

23 discussed on Transcript Page 380, I think I'll

24 just defer to Ms. Brown

25 JUDGE WALSTON Okay

0880 MS. BROWN Yes Your Honor, ASAP

1 Exhibit 19 is a document that is signed by a

2 Mr. Chris Czeschin on behalf of CenturyTel of

3 Port Aransas. And in verifying that document,

4 what we have determined is that Mr. Czeschin was

5 not authorized to sign that document, and I

6 would like to put Ms. Smith on the stand just

7 briefly for her to explain that

8 JUDGE WALSTON Okay Ms. Smith

9 And, Ms. Smith, you testified

10 previously at the earlier round of this hearing,

11 and I remind you that you remain under oath

12 MS. BROWN We probably need to

13 get that ASAP Exhibit 19

14 PRESENTATION RE ASAP EXHIBIT NO 19

15 SUSAN SMITH,

16 being previously sworn, testified as follows

17 DIRECT EXAMINATION

18 BY MS. BROWN

19 Q Ms. Smith, do you have before you the

20 document that's been marked as ASAP Exhibit 19?

21 A Yes, I do

22 Q Is it signed by a Mr. Chris Czeschin?

23 A Yes, it is

24 Q Did you attempt to verify this

25 0881 document?

1 A Yes, I did

2 Q And what did you discover as a result

3 of that inquiry?

4 A That Mr. Czeschin is neither an officer

5 nor an authorized representative of CenturyTel

6 of Port Aransas, therefore, he was not able to

7 sign any document on their behalf

8 Q Do you know what Mr. Czeschin's

9 position is?

10 A He's an analyst

11 Q Is he Carrier Relations?

12 A Yes

13 Q Who would be authorized to sign such a

14

11 pending in the Spring petition? 12 A No, it is not
13 Honer, the record will reflect that I said
14 "except for the ELCS certification issues." So
15 asked questions about whether the point of
16 interconnection between ASAP and - - well, number
17 to that extent, the question was some
18 the record. 19 reflected what was asked previously
20 by Ms Brown, Mr Robtson, you were
21 a point of interconnection at that same spot?
22 Q Are there any others, to your
23 knowledge, that would allow the fact that a --
24 two tandem switches can be -- between two
25 points? Has that ever been deemed to be a point
10 between San Marcos and Centuryleaf of San
11 Marcos at the meet point of -- a point
12 of connection between Bell and San Marcos.
13 Q Do you believe that where the
14 interconnection to be in San Marcos
15 A I understand ASAP's point of
16 interconnection to be in Austin as identified in
17 the local exchange routing update
18 between San Marcos -- or Southwestern Bell trunk
19 On the toll group, I think so -- the
20 total trunks on the ELCS trunk, those --
21 physically they go through the tandem but
22 they go directly to the meet point of -- a point
23 tandem that would not switch at the
24 meet point of connection for ASAP?
25 Q So what you're saying is for the ELCS
0692 connection every place is a point of
16 assertion I know it's been made in this case
17 if by interconnection at one location
18 Austin ASAP can be found a point of
19 connection between Bell and San Marcos at every place on the public
20 Q explained that response, please, for me
21 if ASAP has a point of
22 connection at every place on the public
23 network at every place on the public
24 switched telephone network in San Marcos,
25 where the theory is that they have a point of

0690 routes -- facilities, that would be a
2 connection between a tandem. That would be
3 end-to-end facility
4 and another
5 A And the San Marcos tandem.
6 connection between an and offsite --
7 Q Well, let me ask you this
8 through the San Marcos tandem or are they an
9 connection between Bell San Marcos trunk facilities go
10 through the San Marcos tandem or are they an
11 connection between Bell and San Marcos.
12 Q Could you turn to ASAP Exhibit 38?
13 A Yes, ma'am.
14 paragraph 5 of that -- the Mountain order, which
15 is ASAP Exhibit 38. Could you turn to ASAP Exhibit 38?
16 5 of that order?
17 A Yes, ma'am.
18 Q If you could, look at the sentence
19 beginning in the middle of Paragraph 5, on the
20 ninth line, it begins "By establishing"
21 A Yes, ma'am.
22 Q Could you read that sentence for the
23 record, please?
24 A "By establishing a point of
25 interconnection in San Marcos, establishing DID numbers

0693 Honor reading JUDGE MASTON: I'll overrule.
17 Honer, the record will reflect that I said
18 MR McCOLLUGH I think, your
19 record, the record will reflect that I said
20 MS BROWN: I tried to find an
21 easier way to say it
22 Q (By MS Brown) Would every other
23 carrier in Austin that a customer -- an end user
24 in San Marcos could call from San Marcos, would
25 every other carrier in Austin be deemed to have
0691 reflected what was asked previously
19 reflected what was asked previously
20 by Ms Brown, Mr Robtson, you were
21 a point of interconnection at that same spot?
22 Q Are there any others, to your
23 knowledge, that would allow the fact that a --
24 two tandem switches can be -- between two
25 points? Has that ever been deemed to be a point
10 between San Marcos and Centuryleaf of San
11 Marcos at the meet point of -- a point
12 of connection between Bell and San Marcos.
13 Q Do you believe that where the
14 interconnection to be in San Marcos
15 A I understand ASAP's point of
16 interconnection to be in Austin as identified in
17 the local exchange routing update
18 between San Marcos -- or Southwestern Bell trunk
19 On the toll group, I think so -- the
20 total trunks on the ELCS trunk, those --
21 physically they go through the tandem but
22 they go directly to the meet point of -- a point
23 tandem that would not switch at the
24 meet point of connection for ASAP?
25 Q So what you're saying is for the ELCS
0692 connection every place is a point of
16 assertion I know it's been made in this case
17 if by interconnection at one location
18 Austin ASAP can be found a point of
19 connection between Bell and San Marcos at every place on the public
20 Q explained that response, please, for me
21 if ASAP has a point of
22 connection at every place on the public
23 network at every place on the public
24 switched telephone network in San Marcos,
25 where the theory is that they have a point of

2 between San Marcos and Lockhardt over the toll
22 network," Let's just assume they said that.
23 A Okay as staff members, would you recommend
24 a listing of routeing of a call I mean, if this
25 ELLCS -- If it's toll free, then it should be on
6 ELLCS -- to be able to do -- because testimony that
7 through Southwestern Bell's, end office to do
8 don't know all the means of -- if it has to go
9 through Southwestern Bell's, and office to do --
10 I'm aware of is the switch couldn't do it --
11 that the switch couldn't do it, but I think
12 I'm aware of is the switch couldn't do it --
13 because there are some other ways of doing it
14 get between its Austin switch and
15 ELLCS trunks and somehow peel the calls off from the
16 Austin switch and send it back to its local bases
17 pay per call so it's based upon the type of
18 service that's being offered, in my opinion, not
19 necessarily how it's being routed
20 So it's your option that ASAP needs to
21 get options between its Austin switch and
22 ELLCS trunks and somehow peel the calls off from the
23 local bases if it's toll free, then it will be a
24 toll free, then it should be on
25 a local basis -- If it's toll free, then it should be on

0744 what type of service you're talking about versus
3 then, too, and I think for the deflection is
4 what type of service calls, so I mean, as long as there was ELLCS,
5 deflection for those calls
6 A No I mean, as long as they was ELLCS,
7 on that transport, whatever it is what
8 trunks once they end up in Lockhardt and put them
9 out how we actually get it off of the ELLCS
10 on that transport, whatever it is what
11 what type of service calls
12 A Right that's what I'm saying I
13 don't know all the means of -- if it has to go
14 through Southwestern Bell's, end office to do
15 trunks -- to be able to do -- because testimony that
16 I'm aware of is the switch couldn't do it --
17 that the switch couldn't do it, but I think
18 there are some other ways of doing it
19 because there are some other ways of doing it
20 So it's your option that ASAP needs to
21 get options between its Austin switch and
22 ELLCS trunks and somehow peel the calls off from the
23 local bases if it's toll free, then it will be a
24 toll free, then it should be on
25 a local basis -- If it's toll free, then it should be on

0745 that's -- you're talking about some type of
1 mean, if it's a toll free, then it will be a
2 toll free, then it should be on
3 what type of service calls
4 that's -- you're talking about some type of
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0746 there's some other intermediate -- you know, in
1 go through Southwestern Bell's end office, but
2 that's -- you're talking about some type of
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Q (By Ms Brown) One last set of questions could a CLEC operate in Lockhart
18 choose not to offer ELCs to San Marcos -- to its
19 end users in Lockhart?
20 A Absolutely
21 Q In that event, would an end user in San
22 Marcos perhaps experience a toll charge in order
23 to call an end user of that CLEC in Lockhart?
24 A Absolutely
25 Q To your knowledge, have local exchange

0698 Q To CLECs that caught up with that
1 CLECs in Texas that caught up with that
2 CLECs -- or have tariffs to Texas caught up
3 with the differences that might occur between
4 carriers and their own end-user calling scopes?
5 A So far CLECs have fallen far behind in that
6 respect.
7 A carriers and their own end-user calling scopes?
8 Q With respect to a CLECs customer, if a San Marcos and user calling a CLECs
9 customer, it's depend upon whether or not that CLECs
10 to a CLECs customer, could the rating for that
11 call depend upon whether or not that CLECs
12 customer has entered into an arrangement with
13 some other form of compensation?
14 Mr MCCOLLOUGH Object
15 Q (By Mr. Brown) Would the presence of
16 a reverse toll billing arrangement with
17 San Marcos affect how San Marcos would rate
18 its end users' calls?
19 A Yes
20 Q Reverse toll billing is an option
21 Another is to connect to IXCs that have
22 chosen not to have direct connections to the San
23 Marcos switch but instead subscribe to the San
24 Marcos switch that subscribes to the Greenwood
25 tandem RLGhts.
0701 A That's one of the uses of those trunks
1 Q Not that I can think of straight right
2 here may be, I don't know
3 Q When there's a call goes via
4 SWBs, a Greenwood tandem that is originating with
5 a Centurytel San Marcos user, isn't it true that
6 the call goes directly from the line side of
7 that they have installed, I'm sorry
8 A I don't know that much about the switch
9 that gets onto the toll trunk
10 the Centurytel's switch that is originating with
11 a Centurytel San Marcos user, isn't it true that
12 that gets onto the toll trunk
13 Q You and Ms Brown had a discussion of
14 the Mountain decision, ASR-E tabulate 38, and you
15 read a little bit of Paragraph 5 Do you recall
16 that tanks, or between two tandem, Do you recall
17 that testimony?
18 A Yes, sir
19 Q One of the tandem is the Greenwood
20 tandem -- Southwestern Bell's Greenwood tandem
21 Right?
22 A I believe so, yes
23 Q The other tandem -- were you referring
24 to the San Marcos switch?
25 Q The numbers that are in this

end offices, do they?
5 case do not reside in SWBs, Austin or Lockhart
6 case do not reside in SWBs, Austin or Lockhart
7 Q The numbers that are in this
8 dispute in this case -- the NPA-NXNs in
9 don't know. The numbers -- the NPA-NXNs in
10 I'm not sure if you do or don't, I
11 Q Yes, sir
12 Q One of the tandem is the Greenwood
13 tandem -- Southwestern Bell's Greenwood tandem
14 tandem that called defendant by Ms Brown,
15 read a little bit of Paragraph 5 Do you recall
16 that tanks, or between two tandem, Do you recall
17 that testimony?
18 A You and Ms Brown had a discussion of
19 the Mountain decision, ASR-E tabulate 38, and you
20 read a little bit of Paragraph 5 Do you recall
21 that tanks, or between two tandem, Do you recall
22 that discussion?
23 A Yes, sir
24 Q ASAP does not get DID numbers from
25 Southwestern Bell, does it?

0702 BY MR. MCCOLLOUGH
REROSS-EXAMINATION
11 Mr MCCOLLOUGH
12 BY MR. MCCOLLOUGH
13 During your redirect by Ms Brown,
14 indicated that called defendant Centurytel, you
15 read a little bit of Paragraph 5 Do you recall
16 tanks, or between two tandem, Do you recall
17 that testimony?
18 A During your redirect by Ms Brown,
19 read a little bit of Paragraph 5 Do you recall
20 the Mountain decision, ASR-E tabulate 38, and you
21 read a little bit of Paragraph 5 Do you recall
22 that tanks, or between two tandem, Do you recall
23 that discussion?
24 Q ASAP does not get DID numbers from
25 Southwestern Bell, does it?

0703 BY JUDGE MALSTON
10 Mr MCCOLLOUGH
JUDGE MALSTON Okay
9 (Recess: 2:45 P.M. to 2:59 P.M.)
8 Judge Malston sure
7 A Your Honor, can I have a two-minute
6 break?
5 Mr MCCOLLOUGH
4 Judge Malston okay
3 I have on redrect
2 Q Your Honor, that's all
1 MS BROWN Your Honor, that's all

0699 A Yes

JUDGE MALSTON I'll overrule
17 reading
16 Q (By Mr. Brown) Would the presence of
17 a reverse toll billing arrangement with
18 San Marcos affect how San Marcos would rate
19 its end users' calls?
20 A Absolutly
21 Another option is in option A
22 Q Another is to connect to IXCs that have
23 chosen not to have direct connections to the San
24 Marcos switch but instead subscribe to the San
25 tandem RLGhts.
0701 A That carries some of that traffic, yes
1 Q Are there other toll trunk lines that
2 go over those toll trunk lines?
3 Q Not that I can think of straight right
4 here may be, I don't know
5 Q When there's a call goes via
6 SWBs, a Greenwood tandem that is originating with
7 a Centurytel San Marcos user, isn't it true that
8 the call goes directly from the line side of
9 that they have installed, I'm sorry
10 A I don't know that much about the switch
11 that gets onto the toll trunk
12 Q You and Ms Brown had a discussion of
13 the Mountain decision, ASR-E tabulate 38, and you
14 read a little bit of Paragraph 5 Do you recall
15 that tanks, or between two tandem, Do you recall
16 that testimony?
17 A I just don't know
18 Q So you opinion that there were two
19 tandems for toll purposes?
20 A I think the switch that registed in the
21 local -- well, I'm sorry I take that back --
22 recorded in the NEC last time I took access tandem
23 need to speak up
24 Q To provide long distance service to
25 as an IXC Carrier?

15 A I'm not sure of what their network
16 configuration is, and, I mean, I think that's,
17 for me, what some of the questions asked, "Is it
18 feasible for them to say yes or no to the
19 yes or no because I don't have enough
20 information to say yes or no to the
21 that you don't know whether it's feasible.
22 recommended as the staff witness was something
23 more likely that the decision to establish ELCs
24 trucks was made by the ELCs based on
25 traffic volume that they choose to
10 these were high-volume routes and in was more
11 efficient for them on the traffic they exchange
12 between themselves to establish direct
13 end-of-fice trunks?
14 As far as being a staff member and
15 working on the ELCs cases, some of the stuff I
16 looked at, it is not efficient necessarily
17 routed over a direct trunk end-of-fice facility
18 just because of the -- you know, sometimes the
19 traffic volume So no one is saying that and
20 traffic to end-of-fice is the most efficient way
21 of doing things
22 office to end-of-fice is the most efficient way
23 beftid it is, but in some cases that I've worked
24 on sometimes when we look at it as the
25 volume of the traffic, that might not be the
1 I most efftient way, but the Commision has never
2 determined how an ELC should take these
3 fact go through a standard switch, then
4 A I think Switchboard Bell, in some of
5 sort that out
6 Q There are some ELCs calls that do in
7 fact go through a standard switch, then
8 A I think Switchboard Bell, in some of
9 the studies that they provided to us, say that
10 that is a possibility. I don't know what
11 percentage does or doesn't
12 Q So we know that ELCs is not necessarily
13 always over ELCs trunks, don't we?
14 A I would say from the cases that I've
15 worked on, most of the smaller carriers do
16 direct end-of-fice to end-of-fice trunking. A lot
17 of the larger ELCs are the ones that, I guess
18 if they have tandem positioned in certain
19 places, will see the tandem to switch the
20 calls, but for most of the ELCs cases that I've
21 worked on, most of the smaller carriers do
22 office to end-of-fice for ELCs
23 Q But, again, they do this because they
24 choose to do this, not because the ELCs
25 has made them?

0737
23 they couldn't do it I don't know so --
24 Q In this case, ASAP is receiving calls
25 from San Marcos over the "toll network" that's
been provided.
3 A I think that's the testimony that's
2 appalled. Correct?
1 dialect seven digits and toll is not beating
0738
1 I don't see anything specifically in
the ELCs rules, but I think within general
15 telecommunications, and I think that's what
I'm referring to, which may apply to the carrier
16 that resents some of what the carrier
17 applies, in this case would be that the
18 would be responsible because I think in what
19 telecommunications there are some responsibilities
20 of a carrier as far as in the standard
21 telephone responsibility is, but maybe not
22 specifically for ELCs, but I mean just in
23 general.
1 I think that says, "They shall establish ELCs
2 of all, you agree with me that there's nothing in the
3 Q If the ELCs chose, they could continue
4 to route calls between two ELCs areas using
5 either toll network and just choose to do
6 ELCs toll plus billing -- plus billing and
7 instead to just rate a call as local, they could
8 make sure?
9 A would you repeat that question just to
10 tell but instead as local?
11 Q The ELCs could choose to continue to
12 route calls the same way they did when it was
13 toll, could it, they did when it was
14 toll but they had to do that, they could
15 toll but these I guess I don't know as far as in -- in
16 A I guess I don't know as far as in -- in
17 answering that question it there's not -- for
18 some reason that's not possible so it could be
19 some reason that's not possible I worked at the
20 Commision that there has been some
21 reason that there has been some
22 testimony to the fact that that's not -- for
23 some reason that's not possible I worked at the
24 Commision that there has been some
25 reason that there has been some

0736
1 rule that says, "They shall establish ELCs
2 of all, you agree with me that there's nothing in the
3 Q If the ELCs chose, they could continue
4 to route calls between two ELCs areas using
5 either toll network and just choose to do
6 ELCs toll plus billing -- plus billing and
7 instead to just rate a call as local, they could
8 make sure?
9 A would you repeat that question just to
10 tell but they have to do that, they could
11 toll but these I guess I don't know as far as in -- in
12 route calls the same way they did when it was
13 toll, could it, they did when it was
14 toll but they had to do that, they could
15 toll but these I guess I don't know as far as in -- in
16 A I guess I don't know as far as in -- in
17 answering that question it there's not -- for
18 some reason that's not possible I worked at the
19 Commision that there has been some
20 reason that there has been some
21 reason that there has been some
22 testimony to the fact that that's not -- for
23 some reason that's not possible I worked at the
24 Commision that there has been some
25 reason that there has been some

23 a CIEC might choose to not offer ELCs. Isn't it
24 true that the call scope of a retail end user
25 addresses only calls originated from that user
0707
1 and not received by that user?

2 A No, that's not always true. ELCs is a
3 two-way calling arrangement.

4 Q I understand, but when in the industry
5 we talk about the calling scope of a service,
6 isn't it true that we're talking about outgoing
7 calls, not calls coming in?

8 A No, that's not always true.
9 MR. MCCOLLOUGH That's all I
10 have.

11 JUDGE WALSTON Do you have
12 anything else, Mr. Stewart?

13 MR. STEWART Yes. Thanks, Your
14 Honor.

15 BY MR. STEWART REROSS-EXAMINATION

16 BY MR. STEWART

17 Q I want to go ahead and ask the
18 follow-up question. Under what circumstances,
19 Mr. Robinson, do -- does a tariff define local
20 calling scope in a way that refers to in-bound
21 calls rather than outgoing calls?

22 A There's a number of 800 services that
23 refer to in-bound calling areas, or what I would
24 refer to in-bound calling areas, or what I think ELC
25 consider originating sort of area. I think ELC
0708
1 in general -- ELCs in general refers to two-way
2 so it's originating and terminating calling
3 areas.

4 Q On 800 -- you referred to tariffs
5 regarding 800 service. Would the phrase "local
6 calling scope" be used to describe in-bound
7 calls?

8 A Probably toll-free calling scope, maybe
9 not local calling scope.

10 MR. STEWART Okay. That's it
11 Thank you.

12 JUDGE WALSTON Anything else?

13 MS. BROWN No. Your Honor.

14 JUDGE WALSTON Okay. Thank you.

15 Mr. Robinson

16 MS. BROWN Your Honor, that
17 completes CenturyTel's direct case.

18 JUDGE WALSTON Okay. Has the
19 deposition of Mr. Novack been offered or is it
20 not going to be?

21 MS. BROWN It was offered and
22 admitted, Your Honor.

23 MR. MCCOLLOUGH Again, subject to
24 my putting together the objections that I -- and
25 I just have to tell Your Honor I haven't been
0709
1 able to put that document together yet.

2 JUDGE WALSTON You know, that was
3 vaguely in the back of my mind, but I couldn't
4 remember for sure.

5 MS. BROWN I had to check myself
6 I'm looking at the transcript, and it was
7 admitted subject to the record. I remember now I
8 was looking at my notes, and I didn't notice
9 that Mr. Stewart are you ready to proceed?
10 JUDGE WALSTON Yes, Your Honor
11 Staff calls Mr. James Kelsaw
12 PRESENTATION ON BEHALF OF STAFF
13 JAMES KELSAW,
14 having been first duly sworn, testified as
15 follows
16
17 DIRECT EXAMINATION
18 BY MR. STEWART
19 Q Mr. Kelsaw, do you have before you
20 what's been marked as Staff Exhibit 1?
21 A Yes, I do.
22 Q Is that Prefiled direct testimony that
23 you have prepared for this proceeding?
24 A Yes, it is.
25 Q If I were to ask you all of the
0710
1 questions that are in this prefilled testimony,
2 would your answers be the same as you have
3 indicated in this?
4 A Yes.
5 Q Do you have any corrections to make?
6 A No, I don't.
7 MR. STEWART Okay. That's all
8 Thank you. Pass the witness.

9 JUDGE WALSTON Are you
10 introducing -- offering Exhibit 1? Right?
11 MR. STEWART Thank you, yes.
12 Staff offers Exhibit 1.
13 JUDGE WALSTON It will be
14 admitted. I know -- I thought there was a
15 prefiled objection.
16 MR. MCCOLLOUGH. There was, Your
17 Honor.
18 JUDGE WALSTON Did I deny all
19 those?
20 MR. MCCOLLOUGH You did not rule
21 on them.
22 JUDGE WALSTON Oh, I did not rule
23 on them?
24 MR. MCCOLLOUGH At least as far
25 as I can recall and so far as we're reading in
0711
1 the record, you never expressed a ruling
2 JUDGE WALSTON Let me find my
3 notes.
4 MR. STEWART My recollection was
5 that you had ruled, but I could be wrong.
6 JUDGE WALSTON I thought I had
7 MR. STEWART: My recollection is
8 you asked Mr. McCollough if there had been any
9 difficulties in, for example, preparing rebuttal
10 testimony
11 JUDGE WALSTON I have on my
12 notes, when I reviewed them, denied so --

9 texture of the matter stated between, and I guess
10 Mr. Kelso can read it and tell us if that's
11 what it says or doesn't say

12 necessary to say that it just says they're
13 placing a 24-letter code, but it doesn't say
14 where, if that's in Australia, say that the
15 it just talks about all facilities are exhausted
16 between Lockhart and Dales as well as
17 between Lockhart and Australia, but it doesn't say
18 and Australia, but it doesn't say that the
19 would be counted through the Australia switch or to
20 the Australia switch

21 Q (By Mr. McCollough) The facilities are
22 exhausted between Lockhart and Australia
23 Lockhart and Dales counted through the
24 facilities are counted through the
25 the benefits of ELCs is that it has given to
0726 tasks in Lockhart an ability to connect to ISPS
1 who are not physically located in Lockhart
2 who are not that correct
3 isn't that correct
4 A you could say that that would be
5 correct you could say that, but I will say
6 that's not necessarily the same
7 just a byproduct of ELCs
8 Q on Page 4, you say
9 Many subscribers refer to the three-digit
10 prefix of their telephone number as the
11 exchange, and then say that an exchange is
12 really a geographic area surrounding a serving
13 central office in exchange because I've worked
14 generally synonymous with a rate centre, can't
15 I believe there are always coincide because I've worked
16 mean, not in all cases, I don't believe, because
17 I believe there are -- I'm not sure -- I know
18 they don't always coincide because I've worked
19 on projects where I have exchange information,
20 and the information I'm looking at is based on a
21 rate centre, and I can't say that it's based on a
22 exchange because they don't coincide,
23 also because they don't coincide,
24 exchange and rate centre, all the time. In most
25 cases they might, but there are occasions where

0729 representation of what Southwestern Bell was
18 any event, but let's let Mr. Kelso look at it
19 sure how much we'll be giving to this
20 Q (By Mr. McCollough) Let me ask you if
21 this way, Mr. Kelso, do you know whether the
22 so-called ELCs trunks between Centurytel of San
23 Marcos go through Australia?
24 A I don't know for sure I
25 don't know

0727 Q Let's talk a little bit about expanded
1 local calling service. You, on page 3 of your
2 testimony, lines 13 through 13, are discussing
3 the changes that the Legislator made when
4 he implemented -- or when he passed the ELCs
5 stategic would you agree with me that ELCs has
6 saturated
7 made Internet access more available to rural
8 areas?
9 A I think the outcome is it has, but
10 that's not necessarily what happened
11 do, but it has happened
12 that they do that, isn't it true that
13 either it be a CLEC or a CMRS provider, will
14 associate their directly connected numbers with
15 a rate center to only ELC exchanges
16 and I believe so
17 whether it be a CLEC or a CMRS provider, will
18 associate their directly connected numbers with
19 an ELC-defined rate center Right?
20 A I believe so
21 Q Who they do that, isn't it true that
22 they are defining the calling scope of calls to
23 them from ELCs to the absence of something like
24 ELC or extended metro service or extended area
25 towns?

10 where these ELCs fees and surcharges have been

9 Q Now, have you participated in cases

8 completed, not for ELCs purposes they

7 A No, not for ELCs purposes they

6 Austin? told-free transportation to the Internet backbone in

5 order local service in San Marcos and get a

4 Q Now, could an Internet service provider

3 under the current conditions, the way it stands

2 now on the network, they don't have a

1 traffic arrangement, and they don't have a

0 interconnection agreement. They don't have a

9 provider demand to do that. I'm just saying

8 then this could work.

7 Austin, if they had those facilities in place,

6 the facilities to transport exchange -- if they had

5 Marcos to the Lockhart exchange -- from San

4 that traffic, say, for instance, from San

3 had the facilities to provide the transport of

2 to the ELCs I believe is just in reference

1 depends. My testimony here is just in reference

0 to the ELCs fee of seven dollars on

25 A Note necessarily I think it just

24 Marcos in order to provide that service

23 interconnection agreement with CenturyTel of San

22 service to an ISP, would need to do that

21 CMRS provider, whom I believe has a

20 Q Is it your opinion that ASAP, even as a

19 A That is correct

18 Internet service instances, would the Internet

17 Q In those instances, could user place over ELCs?

16 Marcos had Lockhart local service in

15 Internet service provider using ELCs

14 San Marcos could a Lockhart resident call that

13 local service from CenturyTel of San Marcos in

12 Q If an Internet service provider had

11 Q Now, this is in connection with you

10 completed an ELCs call, these calls should not be

9 in your opinion, these calls should not be

8 ELCs service is that yet a third reason why,

0719

Q Then on Page 12 of your testimony, you

6 bring up the issue that ASAP's customers pay no

5 ELCs fees to enable them to have any form of

4 the Internet service providers that would be

3 customers of ASAP that would be the ones that

2 would be paying the fee, but the ISP

1 would have to pay the fee, not necessarily ASAP

0 customers of ASAP that would be the ones that

9 the Internet service providers, I'm talking about

8 I'm talking about customers, I'm talking about

7 the Internet service providers, that would be

6 customers of ASAP that would be the ones that

5 would be paying the fee, but the ISP

4 would have to pay the fee, but the ISP

3 would have to pay the fee, but the ISP

2 would have to pay the fee, but the ISP

1 would have to pay the fee, but the ISP

0 would have to pay the fee, but the ISP

9 would have to pay the fee, but the ISP

8 would have to pay the fee, but the ISP

7 would have to pay the fee, but the ISP

6 would have to pay the fee, but the ISP

5 would have to pay the fee, but the ISP

4 would have to pay the fee, but the ISP

3 would have to pay the fee, but the ISP

2 would have to pay the fee, but the ISP

1 would have to pay the fee, but the ISP

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6 would have to pay the fee, but the ISP

5 would have to pay the fee, but the ISP

4 would have to pay the fee, but the ISP

3 would have to pay the fee, but the ISP

2 would have to pay the fee, but the ISP

1 would have to pay the fee, but the ISP